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PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL
OF THE GOVERNOR OF MADRAS

OFFICIAL REPORT

SECOND SESSION OF THE FOURTH LEGISLATIVE COUNCIL UNDER THE GOVERNMENT OF INDIA ACT, 1919

Wednesday, the 16th March 1932

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MADRAS
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THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Wednesday, the 16th March 1932.

The House met at eleven of the clock, Mr. President (the hon. Mr. B. Ramachandra Reddi) in the Chair.

PRESENT:

Usman Sahib Bahadur, *Kt.*, The hon. Khan Bahadur Sir Mahomed.
Krishnan Nayar, *Kt.*, The hon. Diwan Bahadur Sir M.
Campbell, K.C.I.E., C.S.I., O.B.E., V.D., I.C.S., The hon. Sir Archibald.
Stokes, C.S.I., C.I.E., I.C.S., The hon. Mr. H. G.
Muniswami Nayudu, The hon. Diwan Bahadur B.
Rajan, The hon. Mr. P. T.
Kumaraswami Reddiyar, The hon. Diwan Bahadur S.
Abdul Hameed Khan Sahib Bahadur.
Alamelumangathayaramma, Mrs. K.
Arasu, Mr. V. T.
Arogyaswami Mudaliyar, Diwan Bahadur R. N.
Basheer Ahmed Sayeed Sahib Bahadur.
Basu Dev, Mr. C.
Bayappa Reddi, Mr. P.
Beyabani Sahib Bahadur, S. M. K.
Devadasan, Mr. M.
Dharmalingam Pillai, Rao Sahib V.
Duraiswami Reddiyar, Mr. K. M.
Ellappa Chettiyar, Diwan Bahadur S.
Foulkes, Mr. R.
Gopalaswami Mudaliyar, Diwan Bahadur M.
Harischandrudu Nayudu, Mr. A.
Hood, I.C.S., Mr. H. M.
Hutton, Mr. A. W.
Indrayya, Mr. C.
Jagannadha Raju, Rao Bahadur G.
Jagannatham, Mr. H. M.
James, Mr. F. E.
Jayaram Nayudu, Rao Sahib C.
Kesava Ramamurti Nayudu, Mr. K.
Khalif-ul-lah Sahib Bahadur, Khan Bahadur P.
Koti Reddi, Mr. K.
Krishnamurti, Rao Sahib D.
Krishnan, Mr. C.
Kumara Raja of Venkatagiri, The
Lakshmana Reddi, Mr. G.
Luker, Mr. F. G.
Madanagopal Nayudu, Mr. R.
Madhusoodhanan Thangal, Mr. P.
Mahboob Ali Baig Sahib Bahadur.
Mahmud Schamnad Sahib Bahadur, Khan Bahadur.
Manikkavelu Nayakar, Mr. M. A.
Moidoo Sahib Bahadur, Khan Bahadur T. M.
Moses, Mr. P. C.
Muhammad Meera Ravuttar, Mr. K. P. V. S.
Muniswami Pillai, Rao Sahib V. I.
Murugappa Chettiyar, Diwan Bahadur A. M. M.
Muthiah Chettiyar, Mr. M. A.
Muthu Chettiyar, Mr. P. C.
Nachiyappa Gounder, Mr. K. A.
Nadimuthu Pillai, Mr. A. Pl. N. V.
Nanjappa Bahadur, Subadar-Major S. A.
Narasa Reddi, Mr. T.
Narasimhaswami, Mr. D. V.
Narayanan Nambiyar, Mr. V. P.
Narayanaswami Pillai, Rao Bahadur T. M.
Natesa Mudaliyar, Rao Bahadur C.
Palat, Mr. R. M.
Pannirselvam, Rao Bahadur A. T.
Parthasarathi Ayyangar, Mr. C. R.
Patro, *Kt.*, Rao Bahadur Sir A. P.
Pattabhiramayya, Mr. K.
Pattagar of Palayakottai.
Pocker Sahib Bahadur, B.
Premayya, Mr. G. R.
Rajagopala Pillai, Mr. P. V.
Raja of Kallikote, The
Ramachandra Padayachi, Mr. P. K.
Ramakrishna Reddi, Mr. A.
Ramalingam Chettiyar, Rao Bahadur T. A.
Ramamurti, Pandit Ganala.
Ramaswami Ayyar, Mr. T. S.
Ramaswami Mudaliyar, Mr. V. M.
Ranganatha Mudaliyar, Mr. A.
Ranganatha Mudaliyar, Mr. G.
Rangaswami Reddi, Mr. M. B.
Ratnasabhapati Mudaliyar, Diwan Bahadur C. S.
Sahajananda, Swami A. S.
Sami Venkatachalam Chetti, Mr.
Satyanarayana Choudari, Mr. C.
Sesha Reddi, Mr. B. P.
Shetty, Mr. A. B.
Singam Ayyangar, Mr. K.
Siva Raj, Mr. N.
Sivasubrahmanya Ayyar, Mr. K. S.

PRESENT—*cont.*

Slater, C.M.G., C.I.E., I.C.S., Mr. S. H.
Smith, C.I.E., I.C.S., Mr. E. Conran.
Sreshta, Mr. M. S.
Subbarayan, Dr. P.
Subrahmanya Bhatt, Mr. U. C.
Sundara Rao Nayudu, Mr. T.
Syed Tajuddin Sahib Bahadur, Khan Sahib.
Thomas, Mr. Daniel.
Thorne, C.I.E., I.C.S., Mr. J. A.
Tottenham, C.I.E., I.C.S., Mr. G. R. F.
Vasudeva Pillai, Mr. V. G.
Venkatarama Ayyar, Mr. K. R.
Venkataramayya Nayudu, Rao Sahib Badeti.
Winter, Capt. W. E.
Yahya Ali Sahib Bahadur, Khan Bahadur.
Yakub Hasan Sahib Bahadur.
Zamindar of Chemudu, The
Zamindar of Kirlampudi, The
Zamindar of Mirzapuram, The

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Industries

Aid to European firms under the State Aid to Industries Act.

* 1028 *Q.*—Capt. W. E. WINTER: Will the hon. the Minister for Education and Excise be pleased to state with reference to question No. 678 answered at the Council meeting, dated the 26th January 1932—

(*a*) whether any concern belonging to Europeans carrying on indigenous industries has been given aid by the Government since the introduction of the State Aid to Industries Act; and

(*b*) whether any application for aid by European firms were received, under the Act, and whether they were refused?

A.—(*a*) No.

(*b*) Seven applications for aid were received from Europeans, but only one of them was from a firm. Two of the applications were withdrawn. The other applications were by a unanimous vote of the Board of Industries recommended for rejection and the Government were therefore precluded from sanctioning the loans under section 8 (5) of the State Aid to Industries Act, 1923.

Capt. W. E. WINTER:—" Sir, may I know the reasons for refusing aid to the firm mentioned here? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" There were several reasons. The main reason for refusing aid to this firm was that the security offered by them was found to be inadequate. The other reasons were that the business was not done on sound lines, had no proper management and was a losing concern."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" May I know whether the firm under reference is a registered concern or a private firm? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" It is not a registered concern. Probably it is not right to call it a firm."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" May I know whether the Government makes any distinction between a registered concern and a private concern in the matter of grant of bonus under State Aid to Industries Act ? "

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The hon. Diwan Bahadur S. Kumaraswami Reddiyar:—" I do not know of any such distinction being made."

Diwan Bahadur C. S. Ratnasabhapati Mudaliyar:—" Do the Government consider it safe to advance moneys to any unregistered firm?"

The hon. Diwan Bahadur S. Kumaraswami Reddiyar:—" If the security offered is adequate."

Mr. V. T. Arasu:—" May I know the name of the firm referred to in this question?"

The hon. Diwan Bahadur S. Kumaraswami Reddiyar:—" The application was made by two representatives of what was called the Ex officers Farm, Lovedale."

Mr. V. T. Arasu:—" Will the hon. the Minister be pleased to state the reasons as to why he calls these two individuals as a firm?"

The hon. Diwan Bahadur S. Kumaraswami Reddiyar:—" Because they were representatives of what they called the Ex officers Farm, Lovedale."

Mr. V. T. Arasu:—" May I know the number and names of Indian firms that applied for State aid and why they were refused?"

The hon. Diwan Bahadur S. Kumaraswami Reddiyar:—" The present question by Capt. Winter has arisen out of an answer given to an exactly similar question answered some time ago and if my hon. Friend reads that answer he would find his reply to this question."

Mr. V. T. Arasu:—" May I know the names of the Members of the Board of Industries?"

The hon. Diwan Bahadur S. Kumaraswami Reddiyar:—" Quite a number of worthy gentlemen. I cannot give their names."

Mr. V. T. Arasu:—" Are there any Europeans?"

The hon. Diwan Bahadur S. Kumaraswami Reddiyar:—" Oh, yes."

Mr. Basheer Ahmed Sayeed:—" Are they all Members of this House?"

The hon. Diwan Bahadur S. Kumaraswami Reddiyar:—" There have been Members on the Board who were Members of this House, but that is not a necessary qualification."

Agriculture

Alleged adulteration of Tiruppur cotton.

* 1029 *Q.*—Capt. W. E. Winter: Will the hon. the Minister for Public Works be pleased to state—

(*a*) whether any information has been received from Tiruppur regarding the gross adulteration of cotton by the inter-mixing of waste; and

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(*b*) whether any steps have been taken, under the Adulteration Act, to put a stop to this practice?

A.—(*a*) The business manager of the Tiruppur Co-operative Sales Societies complained to the Director of Agriculture on 15th February 1932 that dealers in Chennimalai and Tiruppur have brought cotton waste from Coimbatore Mills and ginned it along with kapas as a mixture.

(*b*) No. If the Act referred to is the Madras Prevention of Adulteration Act, 1918, the hon. Member is informed that that Act is inapplicable to adulteration of cotton.

Registration

Transfer of the members of the establishment of the office of the Inspector-General of Registration.

* 1030 *Q.*—Mr. Basheer Ahmed Sayeed: Will the hon. the Minister for Public Works be pleased to state—

(*a*) the total number of employees of all ranks in the establishment of the office of the Inspector-General of Registration, Madras;

(*b*) the number of Muslims, Christians, Non-Brahmans and Brahmans;

(*c*) the period for which each of these employees has served in the office of the Inspector-General of Registration, Madras;

(*d*) the convention, if any, followed by the previous Inspector-General of Registration in respect of the transfer of the staff in his office at the close of any period; and

(*e*) what is the practice now obtaining in the said office?

A.—The Government have called for the information.

Mr. Basheer Ahmed Sayeed:—"May I know whether the Government will make it available for the Members of this House after the information has been received?"

The hon. Mr. P. T. Rajan:—"The Government have called for the information and they will consider the suggestion when the information is received."

Village Officers

Retrenchment in the pay of village officers.

* 1031 *Q.*—Mr. A. B. Shetty: Will the hon. the Member for Revenue be pleased to state whether the Government have come to any decision regarding the recommendation made by the Retrenchment Committee for making cuts of 8 annas and 4 annas in the pay of village officers and menials respectively?

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A.—The recommendation of the Retrenchment Committee is that the following reductions should be made in the pay of village officers and menials:—

Rate of pay.	Amount of cut.
(1) Below Rs. 6	No cut.
(2) Rs. 6 and not exceeding Rs. 12 ..	4 annas each per mensem.
(3) Above Rs. 12 ..	8 annas each per mensem.

The Government have not yet come to a decision on the recommendation.

Mr. A. B. Shetty:—" May I know whether any cut in the pay of public servants drawing less than Rs. 40 has been made so far? "

The hon. Sir Archibald Campbell:—" No, Sir."

Mr. A. B. Shetty:—" May I know then, why these people referred to in this question have been singled out for this cut? "

The hon. Sir Archibald Campbell:—" No orders have been passed by the Government. The Retrenchment Committee has made the recommendation and their recommendation has to be considered."

Diwan Bahadur R. N. Arogyaswami Mudaliyar:—" May I know whether any cut has been made in the case of any one who is drawing less than Rs. 40? "

The hon. Sir Archibald Campbell:—" I am not aware of any."

Mr. V. T. Arasu:—" May I know the exact amount that the Government expect to save by imposing this cut? "

The hon. Sir Archibald Campbell:—" About 4 lakhs of rupees."

Mr. Abdul Hameed Khan:—" May I know whether all the recommendations made by the Retrenchment Committee were accepted by the Government? "

The hon. Sir Archibald Campbell:—" They have all been examined or are under examination. I am not sure whether all their recommendations will be accepted."

Mr. Basheer Ahmed Sayeed:—" May I know whether the Government cannot be carried on without imposing this cut and, if they do not do so, it would be impossible for them to carry on ? "

The hon. Sir Archibald Campbell:—" The question is under consideration."

Mr. V. T. Arasu:—" May I know why it was not found possible by Government to take credit for this saving in the Budget Estimates for 1932–33? "

The hon. Sir Archibald Campbell:—" We cannot give credit for a saving until the retrenchment is actually ordered."

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Mr. V. T. Arasu :—" May I know the reasons for this delay on the part of the Government in coming to a decision on this matter? "

The hon. Sir Archibald Campbell :—" The Retrenchment Committee itself made its recommendations only recently. There must be sufficient time to examine the proposals."

Administration of Justice

Cost incurred by the Government in the Vadapalli rioting case.

* 1032 *Q.*—Mr. C. Indrayya : Will the hon. the Law Member be pleased to state—

(*a*) the amount of remuneration paid to the Public Prosecutor in the Vadapalli rioting case (Sessions Case No. 33 of 1931 on the file of the East Godavari District Court); and

(*b*) the total cost incurred by Government in the conduct of the said sessions case?

A.—(*a*) *&* (*b*) The remuneration paid to the Public Prosecutor in connexion with the Vadapalli rioting case, S.C. No. 33 of 1931 on the file of the Sessions Judge, East Godavari, was Rs. 2,270. Information regarding the other expenditure incurred by Government in the conduct of the case is not available. It has been called for.

Mr. Sami Venkatachalam Chetti :—" May I know whether it is a fact that an appeal has been filed against acquittal in this case, Sir ? "

The hon. Diwan Bahadur Sir M. Krishnan Nayar :—" Yes, Sir."

Mr. Sami Venkatachalam Chetti :—" May I know if the Advocate-General was consulted before the appeal was launched? "

The hon. Diwan Bahadur Sir M. Krishnan Nayar :—" Yes, Sir."

Mr. Sami Venkatachalam Chetti :—" May I know if it was on the recommendation of the Advocate-General that the appeal was made? "

The hon. Diwan Bahadur Sir M. Krishnan Nayar :—" The Advocate-General went only into questions of law and not into questions of facts."

Mr. Basheer Ahmed Sayeed :—" May I know, when the original charge was made in the lower Court, any legal opinion was consulted? "

The hon. Diwan Bahadur Sir M. Krishnan Nayar :—" I do not quite follow my hon. Friend's question. The Police investigated the case and preferred charges. At that stage no lawyers are ordinarily consulted."

Mr. Basheer Ahmed Sayeed :—" Was the Public Prosecutor consulted ? "

The hon. Diwan Bahadur Sir M. Krishnan Nayar :—" I believe he was."

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Dr. P. SUBBARAYAN:—" Does not the hon. Member know that, unless the Government feel that there has been a gross miscarriage of justice, they do not make appeals against acquittal? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" That is the general principle."

Mr. SAMI VENKATACHALAM CHETTI:—" What is the principle that has to be applied in this particular case ? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" Each case has to be decided on its own merits."

Mr. SAMI VENKATACHALAM CHETTI:—" Is it only to avoid a Budget discussion? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" I am not prepared to answer questions pitched in that key."

Law and Order—General

Alleged beating of the Congress volunteers by the Police in Mangalore.

* 1033 *Q.*—Mr. U. C. SUBRAHMANYA BHATT: Will the hon. the Home Member be pleased to state—

(*a*) whether it is a fact that three Congress volunteers who picketed Messrs. R. B. Vasant & Co. in Mangalore town in the last week of January were beaten with lathis by the Police on the head, face and neck and body;

(*b*) whether it is a fact that after they fell down unconscious, about fifteen policemen and sergeants surrounded them and beat them with lathis severely; and

(*c*) whether it is a fact that after the beating, the Police dragged them and heaped them one over the other and kicked them with their boots?

A.—(*a*) Seven picketers who picketed the shop of Messrs. Vasant & Co. on 26th January 1932 and other volunteers who refused to disperse in spite of a warning were dispersed by force. No one was beaten on the neck, face or head deliberately but one volunteer, who turned back and fell, accidentally received a blow on the head.

(*b*) No.

(*c*) No.

Mr. U. C. SUBRAHMANYA BHATT:—" With reference to the answer given in clause (*b*), may I know what exactly the Government mean by saying ' no ' ? "

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—" The answer given is ' No '. The Government deny the allegation made in this question."

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Mr. U. C. Subrahmanya Bhatt:—" May I know whether the Government say that the Police never beat the volunteers after they fell down unconscious ? "

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur:—
" The answer to this question is contained in clause (*a*)."

Mr. U. C. Subrahmanya Bhatt:—" May I know whether that is the answer? "

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur:—
" In no place it is admitted that the Police have beaten the volunteers. But it is admitted that they have been dispersed. More than that I do not admit."

Mr. U. C. Subrahmanya Bhatt:—" May I know how many persons were injured? "

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur:—
" We have not the exact number of persons who were injured."

Diwan Bahadur R. N. Arogyaswami Mudaliyar:—" May I ask whether in the enquiry that the District Magistrate conducted he sent for the persons who were aggrieved parties and took down their statements when he enquired the Police Officers ? "

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur:—
" The District Magistrate after making the necessary enquiries replied to the Government and what exactly the scope of the enquiry which he made was entirely within the discretion of the District Magistrate."

Mr. U. C. Subrahmanya Bhatt:—" May I know the number of wounds that the Police inflicted on the picketers that fell down ? "

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur:—
" We have not the exact number of wounds that have been effected."

Mr. K. R. Venkatarama Ayyar:—" May I know what objections the Government have to order an open enquiry into the conduct of the Police in dealing with the volunteers instead of the present one-sided enquiry? "

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur:—
" There is no necessity at all to make any such enquiry."

Mr. Basheer Ahmed Sayeed:—" May I know the nature of the injury that one of the volunteers is said to have received accidentally? "

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur:—
" It is not very serious."

Dr. P. Subbarayan:—" Does not the Government consider that the other side should be given an opportunity to make their statements if an enquiry is made? "

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur:—
" It is open to the parties to make their representations to the District Magistrate, if they want."

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Mr. YAKUB HASAN:—" May I know how this accident took place? Is it because that the head of one of the volunteers fell on the lathi?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:— " It is not possible to give such information, except to say that by accident it happened."

Mr. A. B. SHETTY:—" May I know whether Government can give the names of the volunteers who picketed the shops, because the question says that 'three Congress volunteers picketed the shop' and the answer stated that 'there were seven picketers'."

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:— " We have no information. If my hon. Friend wants, I shall obtain it."

Mr. A. B. SHETTY:—" The answer says 'seven picketers picketed the shop and other volunteers' were dispersed. May I know how many 'other' volunteers there were and how it is known that they were volunteers?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:— " I have no information."

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—" May I know whether these volunteers formed one batch, or two or three batches?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:— " They formed one batch."

Mr. U. C. SUBRAHMANYA BHATT:—" May I know whether the Collector called for a statement of the injured persons?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:— " I have already answered that."

Mr. U. C. SUBRAHMANYA BHATT:—" May I know whether it is not a fact that only three persons picketed and they were beaten and they were admitted into the hospital with injuries numbering about 60 or 70 on their bodies?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:— " I am not able to say as to how many injuries they received. I do not know whether these people were beaten by the Police at all."

Mr. BASHEER AHMED SAYEED:—" May I know whether any statements were recorded from the proprietors of the Vasant & Co?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:— " No, Sir."

Alleged insult by a European sergeant of Bezwada to wearers of Gandhi caps.

* 1034 *Q.*—Mr. U. C. SUBRAHMANYA BHATT: Will the hon. the Home Member be pleased to state—

(*a*) whether it is a fact that a European sergeant stationed himself in the centre of a main street in Bezwada about the end of January 1932 and subjected all wearers of khaddar to a severe cane charge and warned them not to appear in khaddar again;

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(b) whether it is a fact that the European sergeant removed the Gandhi caps of passers-by on the 1st February 1932 in Bezwada and abused them heartily; and

(c) whether the Government approve of the conduct of the said sergeant; if not, what action the Government have taken or propose to take in the matter?

A.—(a) & (b) No.
(c) Does not arise.

[*Note.*—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—THE VOTING OF DEMANDS FOR GRANTS FOR 1932–33.

DEMAND XI—MINISTERS, CIVIL SECRETARIATS AND MISCELLANEOUS —TRANSFERRED.

* The hon. Diwan Bahadur B. MUNISWAMI NAYUDU :—" Mr. President, Sir, on the recommendation of His Excellency the Governor I move—

' *that Government be granted a sum not exceeding Rs.* 4,24,100 *for Ministers, Civil Secretariats and Miscellaneous—Transferred* '."

Mr. ABDUL HAMEED KHAN :—" Sir, I beg to move—

' *that the allotment of Rs.* 2,24,100 *for Ministers, etc.' be reduced by Rs.* 100.'

" I want to discuss the policy of the Ministers on this cut motion.

11-15 a.m. " My object in giving notice of the motion was not to refer to the personal qualities of the three hon. gentlemen who happen to be Ministers now but to criticise their acts of commission and omission. We are all aware of the circumstances under which they assumed charge of the Ministry and that it was nothing but the numerical strength of the Party that brought them to office. If that was so, what have they done during the last one year of their term of office? Even if we dive deep into the records to find whether they have done anything substantial, we come out disappointed. They have done absolutely nothing of importance. On the other hand, we find that they have been wholehearted and willing parties to the policy of repression which has been carried on in this Province by the Government.

" Mr. President, you will remember that the Party to which the hon. Ministers belong resolved some time back that dyarchy was unworkable and that they would not take office unless the dyarchic system was done away with. Just at that time elections took place. After the elections, as usual with the Party, there were changes in their angle of vision and in their policy. They decided contrary to their original resolution, whether dyarchy was workable or not, they should accept the posts of Ministers and somehow get on with the work. After all it is very difficult to overcome the temptation of office that was before them and naturally they succumbed to that temptation and they are here today. As I have already said, during the past one year,

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they have not only not done anything substantially good, but they have been parties along with the Reserved half to a policy of repression in the country. Otherwise their general policy has been to mark time. They knew at that time and they know it now also that dyarchy is unworkable and that it is impossible for any party to work it successfully. In spite of that they accepted office and for the last one year they have not been able to do anything. Still, on the eve of new Reforms that are coming they are continuing in their office for reasons best known to themselves. Of course the hon. Ministers might come forward and say that they had many schemes to carry out but could not carry out any of them on account of financial stringency. They may say that their colleague the hon. the Finance Member was not able to sanction the necessary funds to carry out the schemes and that they did not agree with regard to the expenditure on this item or that item. But will that be a valid argument? If they are still there in spite of this, they must be there to do something. With regard to the subjects transferred to their control, if the Ministers are not able to do anything I do not see any reason why they should stick to their places. (Interruption.) My hon. Friend Sir A. P. Patro has recently developed a very jovial temperament and interrupts speakers in season and out of season; sometimes he supports the Ministers, sometimes he undermines them.

"Let us for a moment go into the details and find out what the hon. Ministers have done in the way of legislation. They have brought forward no first-class legislation before the House. The only two Bills brought forward before the House were the Motor Vehicles Taxation Bill by the hon. Chief Minister and the Co-operative Societies Bill containing all-embracing amendments brought forward by the hon. the Second Minister. With regard to the Motor Vehicles Taxation Bill, the whole House knows today that it would have been better if it had not been passed at all. Of course the hon. Minister may say that he was not responsible for initiating the measure, that it was already in the archives of the Secretariat having been taken up by the present Leader of the Opposition while he had been Minister and that he had no alternative but to pilot it through the Council. But how can he escape any responsibility for the measure he being the Chief Minister who brought it forward? When the Bill was before the House, we on the Opposition Benches clearly pointed out that it was a retrograde measure and that its results would be detrimental not only to the finances of the Province but also to the motor industry in the Province. The hon. Minister knows today that whatever was anticipated by the Members on the Opposition side has come true. During the last three quarters of the year they have not been able to collect even 60 per cent of the anticipated revenue from this source. The hon. Minister cannot say that the fall in receipts is entirely due to the economic depression and the financial stringency; for there has not been such a fall in the other sources of revenue. The reason why there has been a much greater fall in this source of revenue as compared with the usual sources of Government revenue is because the statistics were

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originally worked out on an entirely wrong basis. With regard to the number of motor vehicles, the number of the Police register was taken to be the actual number on the road. Any amount of our criticism from this side of the House to the effect that there were no more than half the number of vehicles on the road out of those entered in the Police registers, was not heeded. The hon. Minister had more faith in his Secretary and the Secretary would not believe our statements to be correct. The Act was passed and we have to rue the consequences of it.

" With regard to other matters he promised to amend the rules under the Local Boards Act and amend the Hindu Religious Endowments Act. He said he would hold elections to the various temple committees. But he has not done anything in these directions. Today he is not talking about them or perhaps even thinking about them. He probably thinks the best policy is to mark time and keep quiet lest he should be injuring his parties' interests by doing anything.

" With regard to the municipal elections there are various minority communities and special interests who have a grievance as to the number of seats allotted to them, the rules regarding the elections and so on. With regard to local board elections also, the hon. Minister has not been able to hold them within the specified time. We do not know why he has put them off. Of course, as the Leader of a great Party, the hon. the Chief Minister is anxious that nothing should happen in the elections which would injure the interests of his party candidates. He has put off the elections and framed the rules in such a way that they could be of help to his party men, that his party men may come up as district board presidents and gradully in one or two years as Legislative Council Members, so that he and his friends may always be on the Treasury Bench. Even till today the elections have not been held.

" Coming to the Medical Department, we find that the hon. Minister has been responsible for a policy of retrenchment there in the lower grades which has had the effect of nullifying the Communal Government Order which was passed to give opportunities of employment to candidates of minority communities. The retrenchment policy in the Medical Department has affected the assistant and sub-assistant surgeons in the lower ranks and thus has brought back that communal inequality to redress which the Communal Government Order was passed.

" With regard to rural reconstruction, which is one of the hon. Minister's pet schemes and about which he was very eloquent in criticising others while he was out of office, he has done absolutely nothing at all. He often used to ask the Ministers in office whether they had prepared any definite scheme of rural reconstruction or not.

11-30 a.m. " I should like to ask whether the hon. the Chief Minister has prepared any scheme for rural reconstruction ; if he has done so, why does he not put that scheme into force? Why has he not fought with the hon. the Finance Member for an adequate sum to see that his scheme is given effect to in the villages?

" So far as the Education Department is concerned, it is a very sad tale. We find that a large amount of money is being wasted and the

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hon. the Minister for Education has not yet placed before the House any schemes to avoid the vast amount of waste that is going on in the Elementary Education Department.

" With regard to retrenchment proposals, it is a pity that the hon. the Minister for Education was not strong enough or could not be strong enough not to agree to retrenchment with regard to stipends to deserving people who, without these stipends, will not be able to continue their education. The hon. Minister was responsible also for the stopping of aid that is given to night schools ; the amount of grants given to night schools has been reduced by 75 per cent. How can the night schools go on with 25 per cent of the grants they were hitherto getting ? In this way he has been responsible for putting off adult education for all time.

" With regard to the question of repression, I should like to ask hon. Ministers ' what have they done? Have they intervened in the matter '? I suppose that the joint responsibility of the Members of the Cabinet is there still. I ask whether as Members of the Cabinet, they were not a party to all the repression that is going on now. Is it the policy of the Government to carry on repression not only against Congressmen but also against innocent persons ? What have the Ministers done ? Have they raised their little finger and, if so, with what effect ? If they have failed, what steps have they taken to show that they do not agree with the action taken by the Government ? I think they are as much responsible for the repression that is going on in the Province as any Member of the Reserved Half. I find, Sir, that there are five Members of the Justice Party on the Cabinet, out of seven ; having such a large majority on the Cabinet, will they say that they are not responsible for the ruthless repression that is being carried on throughout the length and breadth of the Province ? They are responsible more than any Member of the Reserved Half.

" Hon. Ministers have not brought up before the Council some Bills which they promised. There is the Madras City Municipal Amendment Act which has been very long in the archives of the Secretariat and which was prepared long ago by the Chief Minister's predecessor. I do not know the reason why he has not chosen to bring up that Bill before this House. Then, Sir, the recent Government Order regarding National Flag stands against him more than anything else. What does he mean by issuing this Government Order? I want to know if the hon. the Chief Minister who was a member of the All-India Congress Committee before he became the Chief Minister, does not recognize the National Flag now and whether he has given up that Flag once for all. Will he recognize it the moment he ceases to be the Chief Minister ? He promised to bring an amending Bill to the Local Boards Act in connexion with the appointment of executive officers. What has he done with that measure? When is he likely to bring up that measure before this House and what is the reason for the delay? The local bodies are to-day suffering a great deal on account of want of finance. For the position of the local boards and for the bad condition of the roads to-day, nobody but the hon. the Chief Minister is entirely responsible. In these days of depression, I want to

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know what the hon. the Ministers have done to relieve unemployment, and whether it is not their duty to do something—as has been done in other countries—to improve Industries, Agriculture, Co-operation, etc., so that unemployment in the Province may be relieved. We find, Sir, that more Civilian Officers have been appointed to various posts which had hitherto been given to non-Civilian Officers; the Director of Industries is a Civilian ; the Director of Agriculture is a Civilian ; and the Government should have appointed persons who are technically qualified and who may be competent enough to hold those posts. This Ministry has got such faith in the Civilian Officers that they have appointed them to these posts."

* Mr. F. G. LUKER:—" Mr. President, Sir, I wish to raise, under this motion, the question of the policy of the hon. the Minister for Local Self-Government in regard to transport generally and in regard to public transport (that is motor vehicle transport) in particular. The subject is a wide and important one and one that presents many difficulties. These difficulties we have fully realized in the Committee which is now sitting to examine the incidence of Motor Taxation. First of all, I wish to express my appreciation of the attitude of the hon. the Chief Minister and Mr. Conran Smith and of the other Members who have, for the common good, often agreed to recommendations which might at the present moment appear to be against the interests of the district boards and other bodies which they represent. But I maintain that Government have not prior to the passing of the Motor Vehicles Taxation Act, and during the first three quarters of its operation dealt with the subject efficiently or adequately. Certainly Motor Taxation has not been dealt with sympathetically and no definite policy has been formulated during the past twelve months.

" What is the present situation? Firstly, no one can deny that there is excessive taxation of a threefold nature, Central, Provincial and Local. I say that motor transport is taxed excessively ; I challenge anybody to contradict that statement in any way. No one is satisfied or happy about it. Even the Central Government is faced with the law of diminishing returns from import duties and from petrol excise, and, the high water mark of taxation has been exceeded. The district boards are not happy because they are not getting what they anticipated ; they are getting less than 60 per cent of what they were promised. Bus-owners are certainly not happy because of crushing dual taxation, added of course to the burden of import duties and high petrol prices. The riding public are not happy from a comfort and convenience point of view. Bus-owners cannot operate their vehicles at a profit, and, therefore cannot maintain them in that condition which is necessary for all public utility vehicles. Moreover the public suffer discomfort in riding over bad and dangerous roads. Then again, the Motor Importing, Distributing and Servicing trade is definitely not happy. There is unemployment and depression here, as in most other walks of life. It will naturally be said that this is attributable to economic depression. Partially this is right, but economic depression only makes the present crushing taxation more difficult to bear than would be the case in better times. Even if

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there was no economic depression, no one could deny that the present treble taxation is far too heavy when compared with other countries and other Provinces in India.

" The Motor Transport industry is of sufficient public importance to warrant a definite, sympathetic and progressively constructive policy and not one of " laissez-faire, " amounting in many ways to repression. The Government of India is concerned with the drop in Railway revenue, and, they no doubt attribute part of this to competition from motor transport. Partially they may be right, but in many ways wrong. My reason for introducing the subject is to point out the necessity for the Government of Madras to press the Government of India for a definite policy of co-ordination of all forms of transport. This policy is well summed up in a leader of the ' Hindu ' of March 2nd which says:

> ' Each form of transport has a sphere of operation in which it will be found to excel others; and the duty of the State should be to encourage the use of each in that sphere where it is calculated to function most efficiently. It is for achieving this co-ordination that the country has asked for the establishment of a Ministry of Transport and we trust there will be no delay in taking up this question for earnest consideration and early settlement.'

" Fundamentally such a question is for the Government of India, but has the Madras Government yet formulated plans or made representations to hasten such co-ordination in our Presidency ? Every Presidency in this country should receive a larger proportion of the present high excise on petrol for Provincial road construction. One of the ways to get this is by adopting a bold and progressive policy in our Presidency and by the pressing forward of plans for co-ordination of all forms of transport. Otherwise it looks as if we may not be able to get a higher contribution from the Central Government from the petrol tax. There has been a great decrease in petrol sales; it has been more marked since the introduction of the Madras Vehicles Taxation Act.

" Although a year has nearly passed since the introduction of the Motor Vehicles Taxation Act, our House is far from being put in order. There is much to be done and much that could and should have been done in the past 12 months. Before the introduction of the Act, Government was adequately warned in this House of the many pitfalls likely to arise, as was pointed out by the hon. Member, Mr. Abdul Hameed Khan. I would remind the House that in April last and even long before this, the economic depression had started and the outlook was definitely bad. Due altogether to a too optimistic outlook and due obviously to incorrect statistics it was considered that the provincial tax on motor vehicles would yield an amount sufficient to reimburse district boards for the loss of toll revenue. Such has not been the case. But, and here is my strongest criticism, Government was induced for some unknown reason to drop a possible revenue of about Rs. 25 lakhs by allowing bullock carts to use the roads and to cut them up without paying for their use or for the damage they do. A tax of Rs. 5 per year on bullock carts would mean just over $2\frac{1}{2}$ pies per day, and a tax of Rs. 10 would mean 5 pies per day. But in the aggregate it would have helped the Government, the district boards, the motor

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11-45 a.m. Transport industry and the riding public. I doubt, Sir, whether any district board really wanted to drop the contribution from bullock carts, for the maintenance of roads in good condition. I have failed to read or hear anywhere of any great demand a year or more ago for the abolition of all contribution to road upkeep from bullock carts.

" I would draw the attention of the House to the report of the meeting of the Kumbakonam Municipal Council of March 11th, which probably typifies the opinion of most district boards and municipal councils in this Presidency. The Kumbakonam Council agreed that the motor vehicles tax was too heavy, particularly on buses, and that this was one reason, as has been pointed out, why the Government have been unable to realize as much as they had anticipated. They also state that in their opinion there is no justification for exempting bullock carts or other country carts which, as is well known, spoil the roads more than motor vehicles do. The Council asked for the repeal of the Act, but in particular, for the restoration of tolls for vehicles other than motor vehicles.

" It quickly became evident from early this year that all was not well, that Government's contribution to the district boards was not going to be enough, and that district board licence fees plus the provincial tax were going to drive many vehicles off the roads and result in even less revenue. Have Government taken any steps to remedy this for next year ? They are not prepared to even consider giving any discretion to local bodies to levy tolls amounting to a few pies per day per bullock cart. Admittedly, panchayats are permitted to levy licence fees on bullock carts, but is there any guarantee that the results will be used to lessen the district boards' cost of road maintenance ? A fair and bold policy is needed whereby all road users are made to pay their fair contribution for the use of the roads, and thus shoulder their rightful share for the maintenance of the roads.

" Then again, as long ago as July last, it was evident that all was far from being well with the new taxation and that the situation did not look like improving. What was done? Next to nothing as far as I can see, but the carrying on of a policy of ' Wait and see '. Statistics of the number of buses and trucks should have been obtained at once, especially statistics of the number of vehicles that were going off the roads. I think it would have been even better to have called for a conference of District Board Presidents and engineers in Madras—it would have been worth while to do—to thoroughly go into the whole question at once and not, as has been done, wait until the end of the year. Well, that was not done. An examination should also have been made of all licence fee, rates and as to the reasons why they were so high in certain districts. Enquiries and investigations should have been made as to why one district charged a moderate sum as licence fee and had good roads, while another district charged double the amount and yet had bad roads. All these matters could and should have been tackled. Even when the Act came into force, the machinery for applying it was woefully deficient. No one, I believe, will deny that. Whether, Sir, it is contemplated by the Government to increase the provincial tax on buses from Rs. 7-8-0

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to Rs. 10 per seat is a matter at the present moment for conjecture. Some may consider that this would be a way out of certain difficulties. But even my friends the district board presidents here, I think will agree with me that the law of diminishing returns has long since come into operation, and that it only needs in many districts a few pieces of straw to break the proverbial camel's back. If it is the policy of the Government to deliberately drive buses and commercial vehicles off the road in order to preserve these roads, then the best way they can do it is by putting up the provincial tax. What its effect will be on the motor transport industry and upon the riding public is a different matter altogether. They would not save much by such a measure because the bullock carts will use in increasing numbers those roads which have cost so much to construct, but we shall obtain no revenue from them whatever. I maintain, Sir, that it will be the height of folly at the present time to increase this provincial tax; for, the net result, I am confident, would be less revenue than if the tax is left where it is.

"A progressive policy on the part of the Minister has not been entirely evident. I have stated before that there are many difficulties and that these are appreciated. All these difficulties are also shared by the district boards. No one will deny that one of the problems that every one has to face to-day is the balancing of budgets, and there are two ways of doing this, firstly by increased taxation and secondly by retrenchment. No one will say that it will be fair to increase the taxation, whether provincial or by the district boards on an industry that is already trebly taxed. So, we are left with the other alternative ; that is the plan of retrenchment. No one can possibly agree that in the past and even at present all road allotments to the district boards have been entirely and wholly spent on the maintenance and construction of roads. Here it is, I believe, that the Local Self-Government department should sympathetically, nevertheless definitely, lay down what should be the expenditure on roads. They should take every measure to urge on the Public Works Department and everybody concerned the necessity, in times of national difficulty like this, for the least possible money being spent by the district boards but nevertheless for seeing that the roads are maintained in the best possible condition, so that we may be assured that for every rupee allotted for road maintenance, we get at least As. 15 worth of material and labour used and spent on our roads.

"There is, I believe, Sir, a Road Board existing in this Presidency. I am credibly informed that I am a member of this Road Board (laughter) although for the past fifteen months, to the best of my knowledge, I have not been asked to attend a meeting of it. Here is further evidence of a lack of policy on the part of the Government or the Ministry. A Road Board, properly constituted, might have been, might be still and might be in the future, of great benefit to the Government in regard to their road transport policy. If the Road Board is no good, let us scrap it and try to bring in something which will be of use to all concerned.

"I trust, Sir, that no delay will take place in putting into immediate operation those recommendations that the Committee appointed has

unanimously made for the partial redress of some of the burdens of taxation on motor transport, and I trust that Government will look on these recommendations in a broadminded and sympathetic manner, not from the viewpoint of a possible reduction in revenue, but from the viewpoint of some small gesture to encourage the progress of a great public utility service. I trust, Sir, the hon. the Chief Minister will look on these recommendations not as a total but only as a partial redress of the present grievances. There is much to be done still. I hope the recommendations will be put into operation at the earliest possible moment.

"I am convinced, Sir, that if the Government will adopt a definite policy of encouragement, added to a real desire to lighten the burden of taxation, wherever possible, that the eventual result will not be lower revenue, but a steadily increasing one. The whole business of the transportation of people and of goods is not a luxury business, which, can be taxed out of existence ; it is one of definite value to the country as a whole. It is a public utility service, and as such, should not, I believe, be subjected to a burden of taxation, which, is far greater than that borne by other businesses of far less importance to the welfare and progress of the country."

* Mr. V. P. Narayanan Nambiyar:—"Mr. President, all these days that I have been a Member of this hon. House, I have never said anything against the doings or the achievements of our Ministers, because I know that the three hon. Gentlemen occupying the Transferred Half of the Treasury Bench are, on account of the limitations of diarchy, as helpless as any other ordinary Member of this House, either to redress the grievances of the people or to bring about a better state of affairs. There was also the additional reason, that at this hour of supreme importance in the history of our country, the elected groups of this House should, instead of indulging in mutual recriminations, work conjointly against the repressive policy of the Government.

"But the speech of the hon. the Chief Minister on Monday afternoon has given the rudest shock to all on our side of the House who had confidently hoped that in dealing with matters affecting the larger interests of the country, no bitter feelings would be engendered and that every attempt would be made to secure the co-operation of all sections of this House. The statement of the Leader of the Opposition, which seems to have roused all the ire that was displayed by the Chief Minister, merely said that as the cut motion moved by my hon. Friend, Mr. Venkataramayya, was vague and capable of many interpretations—a position which was justified by the debate that subsequently took place—it would be better and more satisfactory to discuss the whole question on a day specially allotted for it. There is nothing offensive here. The statement neither blames the Party in Power nor praises the Party in Opposition to have provoked the fulminating outbursts that rent the air of this Chamber on Monday. The spirit that pervaded the speech of the hon. the Chief Minister was, 'if the pistol misses fire, knock down with the butt end of it.'

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" He characterized the Party in Opposition as the 'pseudo Congress Party.' May I tell the hon. Gentleman that the expression 'Pseudo Congress' can, with more appropriateness and greater justification, be applied to the policy of the hon. the Chief Minister, who talks with evident emotion on the present system of administration and the Ordinance regime, and yet brings to life again the Government Order prohibiting the hoisting of the National Flag over buildings belonging to local bodies? Many local bodies have recorded the order under protest; and the Home Member with the Government of India, replying to a question in the Assembly, said, 'I am not aware that flying of any flag is in itself either illegal or seditious.' The hon. the Chief Minister knows perfectly well that the National Flag is not the symbol of a particular political party but is generally regarded as an emblem of India's unity. Sir, yet Caesar was ambitious and Brutus is an honourable man. When my hon. Friend, Mr. Abdul Hameed Khan, referred to the Government Order about the National Flag a smile slowly crept over the lips of the Chief Minister, perhaps indicating that the Government Order originated with Dr. Subbarayan, who now happens to be the Leader of the Opposition. My reply here is, that if Caesar was ambitious, he has paid for it, and we all know that before the drama ends, Brutus also pays for everything.

" Sir, the hon. the Chief Minister said the other day that two representative speeches by two important Members of our Party could have made clear the attitude of the United Nationalist Party on the question of Reforms. May I ask the hon. the Chief Minister when came this dawn of wisdom? Had this suggestion been made to his own party men at some of their important meetings, then many an adjournment motion would not have been talked out and the country would have witnessed a united stand in matters of vital importance. The attitude adopted by the Ministers when adjournment motions relating to the use of force by the Police came up for discussion leads but to the conclusion that the Ministers have only helped in the present policy of the Government. 12 noon.

" The hon. the Chief Minister, quoting from the report of the Federal Structure Committee, said that he and his party stood for an All-India Federation. He also said that they were for the simultaneous introduction of Responsibility at the Centre and in the Provinces. All glory to the Chief Minister. But more than the Reforms what ought to engage the attention of the leaders is the creation of an atmosphere necessary for the successful working out of the Reforms. Sir, I listened in vain to the speech of the great Leader of the Party in Power for some suggestion on that aspect of the question. Even the newest member of the party could have got up and easily made a speech abusing some and quoting some. But when a leader speaks, he must, unperturbed by minor hecklings, speak like a leader dealing with a subject in its entirety.

" Sir, I was amused when the hon. the Chief Minister said that 'his policy, as that of his party, had always been to help the minorities

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to attain their rightful share,' because as soon as the Chief Minister uttered this sentence, my eyes fell on a cut motion that has been tabled by a distinguished member of his party, Rao Bahadur A. T. Pannirselvam, in order to point out 'the inadequacy of the number of seats allotted for the minority communities in municipalities and local boards.' Many an instance like this can be multiplied; but let me tell the hon. the Chief Minister that, so far as the country is concerned, his calling the United Nationalist Party as the pseudo-Congress Party and our returning the compliment with equal, if not greater vigour, is not going to be of any use. Such division will only help the irresponsible autocracy. I would conclude, therefore, by appealing to the hon. the Chief Minister, in the name of things that are to be achieved for the common good, to work in unison with all parties and inaugurate an era of peace and contentment."

* Mr. SAMI VENKATACHALAM CHETTI:—"Mr. President, Sir, I do not think I will be exposed to the charge of judging the actions of this Ministry hastily. They have had more than one and a half years of office or half of the natural term of the Ministry is already over. It is but therefore right that this House must estimate the record of the work which the Ministry has put forward during its tenure of office. I am afraid, Sir, that judged from that point of view, the record that is left by this Ministry is one of blankness. There has been absolutely nothing which will merit any observation from this part of the House, except one or two small measures, the owning of which would be discreditable even to a Ministry of this sort. But, the justification for my speaking on this occasion is the very provocative speech which the hon. the Chief Minister thought fit to make the other day. Sir, he was no doubt wise in making that speech which only revealed circumspection but did not show courage. He knew that the Opposition resolved not to participate in the debate and therefore it was that he flared so high in the security of not being challenged on the same occasion. Probably in the exuberance of his anger, he might have forgotten that there are other occasions at which we could possibly get at the Ministers and reply point by point in regard to the speech that he made. Sir, he was so sorry that the hon. the Leader of the Opposition did not think of co-operating with him in the matter of discussion of further Reforms. Does the hon. the Chief Minister really believe that the Leader of the Opposition was unwilling to co-operate with him in the matter of asking for further Reforms which would satisfy the legitimate demands and aspirations of the people of this country? Was he not aware that the hon. the Leader of the Opposition was requesting the hon. the Home Member to allot a day for discussion not only with regard to the question of Reforms, but also with regard to the discussion of a more live question, namely, the franchise question? And, was it not a fact that the hon. the Chief Minister did not make up his mind or was not able to persuade his party men to make up their minds to agree to the discussion of the question on a special day? Having regard to the wobbling policy that he has adopted in persuading the hon. the Home Member not to give a day, is it fair on his part to have challenged the

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hon. the Leader of the Opposition that he did not co-operate with the hon. the Chief Minister. That is indeed a very very unfair charge to make. I challenge the Chief Minister to ask the Government to give a day to discuss not only the question of Constitutional Reforms but also the Franchise question. The constitution of the local Franchise Committee has of course a history of its own. The Government took care to stuff it with persons of their own views, and they would not consult the Opposition in the selection of persons to sit on that Committee. Perhaps now, in the last stage, one member was allowed to sit on that Committee, but I do not know whether that gentleman had the permission of the Opposition Party as such to sit on that Committee. Having taken care to see that no member who would represent the Opposition point of view is on the Committee, it certainly is no credit for the hon. the Chief Minister now to say that the hon. the Leader of the Opposition did not co-operate with him in the matter of the discussion of these points. On every one of the recommendations which the Madras Government have come to—necessarily in consultation with the Ministers—it was up to the Ministers to put these matters for discussion in this House and take the verdict of this House. We are aware that this House itself is full of members who belong to his party and having regard to that, why should he not have picked up courage and put the question publicly for discussion? It is because opinions expressed by Ministers in private are diametrically opposed to the opinions and views of the country at large. I challenge the hon. Minister to address public meetings in various parts of this country and put forward the recommendation which he has made to the Government on this Franchise question. Then he would see who is in favour of that. My hon. Friend, the Chief Minister, has, unusually, characterized the Members of the Opposition as pseudo-Congressmen. Sir, to return that compliment to him, it would not take a very long time. I only wish to recall to his mind whether he had been a pseudo-Congressman or a pseudo-loyalist when he, just on the eve of the elections went about the remote villages in his own district and advocated independence, and accepted a Ministership under the diarchic system of Government. Was it a question of pseudo-Congress policy when as the President of the District Board of Chittoor he allowed the National Flag to be hoisted on the premises of the district board itself, or is it a case of pseudo-Congress policy that he had become a member of the All-India Congress Committee? Whether it was to deceive the Congress or to deceive the Government is a question which the hon. the Chief Minister has got to answer. Sir, whatever we are, we are not pseudo, we are real. (Rao Sahib B. Venkataramayya Nayudu: 'You are nothing.') It may be nothing and 'nothing' itself is a reality.

"Sir, with regard to the resolution which my hon. Friend, Mr. Venkataramayya, has moved the other day upon which such a provocative discussion took place, what is it after all that is meant by it? Speeding up the Reforms. Does it require a reconsideration of the subject in order to convince anybody in this world that India requires further

Reforms and that speedily too. On that question, what is the kind of answer that the hon. the Chief Minister expects from this House? Could he not have chosen another cut motion in which there would be a clearer and a more definite policy laid down than a mere ambiguous and indefinite generalization of the speeding up of Reforms? Mr. Venkataramayya's motion was practically taken as an excuse for avoiding the House coming to a decision on a subsequent motion which relates to the term of office of the hon. the Home Member. That is the idea with which that party worked. If they had merely skipped over Mr. Venkataramayya's motion, there was every likelihood of this House facing the question on the other cut motion, namely, that relating to the term of office of the hon. the Home Member. The hon. the Home Member and the Ministry are so attached to each other that they would not permit any resolution being moved affecting the position and policy of either of them—never mind, the hon. the Law Member in the struggle, he might easily be ignored by the Ministry. The Home Member is attached to the Justice Party and the Justice Party is attached to the Home Member, and the Justice Party may feel bound to support the hon. the Home Member in all his repressive policy.

"I ask the hon. the Chief Minister what he has really done with regard to repression that is so much prevalent in this country. Has he either publicly or privately ever condemned the policy of repression or does he justify it? Has he not on many occasions persuaded his party-men from speaking out their mind in this Council or airing their grievances from which they suffer in their own districts? Has he not been responsible for seeing that all adjournment motions are talked out? Is this the courageous policy which the hon. the Chief Minister is pursuing?

"Now, Sir, like a school-boy who whistles just before the grave-yard, my hon. Friend, the Chief Minister, has invited us to polls and said he was ready to face the issue at the elections. The hon. the Minister knows very well the conditions now prevailing in this country. Having put all the Nationalists, having put all the Congressmen into the jails and having abetted and aided the Government in doing so, it would not require the courage of a brave man, much less a Chief Minister, to say, 'let us see at the elections.' Who are there to fight here at the elections? Every one who could fight you is in jail. Well, release them and see what your fate is. Then I can understand your courage. (A voice: 'Who are they?') They are your and our masters.

"Now, Sir, with regard to the question of Provincial Autonomy and Responsibility both at the Centre and in the Provinces, my hon. Friend, the Chief Minister, is still indefinite and vague. I have ransacked the speech, his long speech made the other day, and I did not find his definite expression of opinion with regard to the need for giving Responsibility both in the Provinces and at the Centre simultaneously. When interrupted by some Member of the House he referred him to the speech made by the spokesman of his party. Sir, it is on this matter that I am under a considerable handicap, and I do not

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know who really are the spokesmen of the Justice Party. My hon. Friend, Sir Patro, had said at the Round Table Conference that he was speaking on behalf of the small industrialists, the agriculturists, the ryots and labour. I suppose if he was referring to Mr. Ramaswami Mudaliyar, I should think that Sir Patro and Mr. Ramaswami Mudaliyar do not very well agree. In fact, Mr. Ramaswami Mudaliyar in one of his speeches before the plenary session of the Round Table Conference referred to the number of cablegrams which have been sent from this part of the country to him asking him to stick up to the policy of Responsibility simultaneously both in the Provinces and at the Centre. What the occasion was to send those cables is still a mystery, unless it be the explanation given in the newspapers that the hon. Member Sir Patro wanted Provincial Autonomy whatever might be the fate of the Central Government. But subsequently, as usual with him, my hon. Friend has changed his opinion—I am glad to see it and I only hope that the change his view has undergone will stand there—and that it will not be subjected to further changes. I should be glad to be told that the Justice Party really endorses the policy of simultaneous Responsibility both in the Provinces and at the Centre.

"I am however glad that my hon. Friend, Mr. Ratnasabhapati Mudaliyar, was more explicit and has revealed a possible difference of opinion in the party itself. Though the hon. the Chief Minister criticized the hon. the Leader of the Opposition for not coming to any agreement amongst ourselves, he did not see that such a disagreement exists in his own party; and that apart from the ginger party who stand aloof there are others who try to thrust their opinion on others at any time. With regard to the ginger party (Mr. Badeti Venkataramayya: 'There is no ginger party'), I do not know what is the attitude of the hon. the Chief Minister. Is he in favour of the statement made by the Raja of Bobbili at the Round Table Conference? Does he want that unless Federation fructifies, no Reforms should come in? If he is not in favour of that attitude, how does he reconcile his being a member of the party and agreeing to the policy of the Ministry, namely, that Central Responsibility and Provincial Autonomy should go together? There are several points on which the party has not made up its mind; or if it had made up its mind, it had not the courage to express them openly and would like to put it off till the day comes for them to account. And still it seems to be surprising that he must take the Opposition to task for their unwillingness to co-operate in discussing a resolution which is absolutely of no importance. The hon. the Chief Minister is aware that the Leader of the Opposition had asked for a day when not only the question of constitutional issue but also the Franchise question could be discussed and then alone would the hon. the Chief Minister absolve himself from the charge of ungraciously attacking this party and not courageously facing the question at issue." 12-15 p.m.

* Rao Bahadur A. T. PANNIRSELVAM:—" Mr. President, Sir, let me begin by congratulating Rao Sahib Badeti Venkataramayya on the effect

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which his speech of yesterday has already had; his shaft appears to have found its mark; his taunt seems to have roused the Opposition from their slumber, helped them to shake off the languor which has overtaken them of late and to really play the role of a constitutional opposition. But their new-born spirit and enthusiasm have however led their spokesman to ignore facts, and, if I may say so with all respect, to take leave of their powers of reasoning and their sense of logic.

"The first charge made by the hon. Member, Mr. Abdul Hameed Khan, against the Ministry in general and the hon. the Chief Minister and the Leader of the Party in particular was 'the Motor Vehicles Act.' He knows and all of us do know, that the Motor Vehicles Taxation Act was a legacy which he inherited; I admit however that that fact does not in any degree diminish his responsibility for placing the Act on the Statute book. While recognizing the responsibility of the Minister for the passing of the Act, I would also ask hon. Members not to forget their own responsibility in the matter. We all know that it was a measure welcomed by all sections of the House. (Voices: No.) There might have been criticisms as to details here and there but as to the underlying principle of the Bill, there was not a single dissentient voice; and it was blessed by the hon. the Leader of the Opposition himself whose child it mainly was and we all from every side of the House have given it our benediction. And now if we find that the revenue realized does not come up to our anticipations, would it be fair to lay the blame at the door of the hon. the Chief Minister and are the merits and demerits of this Bill to be calculated merely in terms of rupees, annas and pies? Are we to forget the one great benefit which this Act has conferred on the rural population of the province, the relief it has given to the cart-owner—the cart-owner against whom the hon. Mr. Luker seems to have a special grievance in that they have been relieved of all toll-fees? Sir, let us remember that the cart-owner is no other than the poor agriculturists and tiller of the soil and in these days of financial stress and in these days when agricultural produce fetches the lowest price that it has been fetching for the last 15 years, this indirect relief is a great boon for which the poor of the land will be eternally indebted to the hon. the Chief Minister. If the revenues derived under the Act have not come up to our expectations, we should not forget the fact that there has been financial depression all round, and that there has been a reduction in all the sources of Government income except perhaps the land revenue. Wherever we might turn, there is a fall and as the hon. Gentleman, Mr. Luker, said there has been a fall in the railway income as well. But when he says that this was due mainly to the competition by the motor buses, I am unable to agree with him and have to state that it is much more due to the fact that there is a great fall off in the number of the travelling public. (An hon. Member: 'The railway statistics show otherwise.') I am confident they show, Sir, that during the last few years, the number of travelling public has gone down very much. It

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also shows that the goods transported have also gone down and that there has been a general contraction of trade and business and of the moving about of people. Inevitably the motor trade also has been similarly affected. For this contraction in motor trade in particular, may I point out a special contributive cause? During the past several years, thanks to the alluring inducements and offers by the agents of motor dealers, several poor men were persuaded to sell up their all and invest the out-turn in the purchase of motors on the instalment system. The first few instalments are paid, the rest are allowed to fall into arrears, the motor dealer naturally steps in, attaches and takes away the car, with the result that the original purchaser finds himself a pauper deprived of all that he possessed in the world. This sort of thing cannot be expected to go on for ever. People have now begun to realize the full implications of the instalment system and there has been an inevitable fall in the sale of motor buses with its consequential effect in the income under the Act. So much about the charge against the Ministry on the score of this Motor Vehicles Taxation Act.

" The next accusation, the most amusing one and one which made us on this side of the House sit up in amazement, was the charge that the hon. the Chief Minister was putting off the election to the local boards, and constituting fresh electoral circles with a view to accommodate his partymen. I cannot conceive of a charge more unfounded. For the last 15 months that this party has been in power, the feeling among us has been that time after time the Minister's supporters and partymen have been made to sacrifice their own interests in order to placate the Opposition. May I respectfully suggest, Sir, that the hon. the Chief Minister may take a lesson at least now and see for himself that this policy of placating the Opposition will not do? One can never placate the Opposition. The result of such an action may be that supporters of the party in course of time fall off. (Mr. Abdul Hameed Khan: 'Then placate them.') Well, Sir, if I were in his position that is what I should do. Whoever may be deserving of an accusation of this sort, the hon. the present Chief Minister does certainly not deserve it.

" Regarding the speech of the hon. the Chief Minister of which so much had been made, I was unfortunately not present to listen to it; but let me offer my respectful congratulations to the hon. the Chief Minister on having put some life into the Opposition (laughter) and on his having made them realize that they are here to discharge a certain duty and not to merely sulk and, instead of walking out which seems to have gone out of fashion, say that they would not take part in the proceedings. The main charge under this head has been, Sir, that the Chief Minister characterized them as pseudo-Congressmen. Need he alone have said it? Does not any Member of this hon. House know that the hon. Gentlemen on those Benches in time and out of time had said that they spoke in the name of the Congress? Do we not know that they were saying that they were the advocates of the Congress and still sitting as hon. Members of this House when the Congress has decided not to enter the Councils? (Mr. Abdul Hameed Khan: 'Advocates of

Congress are not pseudo-Congress. ') Yes, advocates of Congress. (Mr. Abdul Hameed Khan: 'Is that your logic?') (A voice: 'Remember the day of reckoning.') Yes, Sir, we are waiting for the day of reckoning. We are here as people who held ourselves out as men who are prepared to work the constitution however defective it might be. The Ministry has been charged with having taken up office after time and again pronouncing that diarchy was an unworkable system. That exactly shows the valour and courage with which we have offered ourselves for the service of the country. We know that it is very difficult, but being accustomed to constitutional ways, on the strength of our numbers, which again seems to be a charge against the Ministry by Mr. Abdul Hameed Khan, and having regard to the strength of feeling in the country, our leaders decided to shoulder the responsibilities of office consistent with the principles of the party to work the constitution under whatever circumstance. Therefore, I would submit that the Ministry is there by reason of its own rights, having the support of the majority of the representatives of the country in the Council who in their turn have the support of the country at large behind them.

12-30 p.m. "Just one word, Sir, about my own cut motions, for referring to which I am indebted to my hon. Friend, Mr. Nambiyar. My motions are to point out the unsatisfactory nature of the representation which the minorities have so far secured in municipalities as the result of a joint electorate with reservation of seats, and to point out also the inadequacy of the number of seats allotted for the minority communities in municipalities and local boards. Sir, my first motion is to discuss the choice between the separate and joint electorate; and in that matter I know there is difference of opinion between the people sitting even on my side and the hon. the Chief Minister."

Mr. V. P. Narayanan Nambiyar:—"On a point of order, Sir, I referred to the second motion only."

Rao Bahadur A. T. Pannirselvam:—"Well, I propose to deal with both. I need only point out, Mr. President, the fact that, at least in some cases which have come to my knowledge, as a result of reservation in a joint electorate the people who have been returned would, with a separate electorate, not have had the ghost of a chance of being returned. To illustrate I need only refer to the representation of the depressed classes in my own municipal council. The representative of the depressed classes there, was, for long years, a turn-cock in the waterworks of the municipality, and on the eve of the election some of the magnates of the town, thinking that he would be faithful and true to them as he was while in office, asked him to resign his post, put in his nomination paper and got him elected. And he was returned unopposed. Now what else can you expect to happen in a joint electorate? How can you expect a member from the depressed classes to truly represent his community when such a thing happens? I could quote several other instances where people professing to be representatives of the depressed classes or Muhammadans or Christians who have been

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returned in some cases unopposed and in other cases by an overwhelming majority, people who would not have even a proposer if the constituency had been confined wholly to the community. Positive and concrete instances of this can be cited. I am illustrating this only to show that separate electorate not merely in municipal councils and local boards but in other fields also is inevitable at least for the time being.

" As regards the inadequacy of the number of seats I need only say that during the time of the discussion of the passing of the Local Boards and Municipalities Acts fulsome assurances were given by the then Chief Minister as well as, if I may say so, by the present Chief Minister that the minorities were assured of 25 per cent through reservation, and that what they would be able to get in a general election would be over and above this 25 per cent. I could quote even extracts from their speeches, but I think it unnecessary to do so. May I just ask them in how many cases 25 per cent of the seats have been reserved? May I know what is the principle on which the number of reserved seats has been fixed? The principle, as I understand it, is that no community shall be given less than 50 per cent of what it would be entitled to on the strength of their population. As a principle it is a very good one. Because if the larger communities like the depressed classes were to be given representation in proportion to their population it is possible that 25 per cent of the seats now allotted by the Act may not suffice; and therefore that principle would have been perfectly justifiable provided the 25 per cent of the seats are all set apart for reservation. My complaint is that in many cases 25 per cent of the seats has not been allotted; and that as a matter of fact a very much lower figure has been set apart. Having said that, I must add that if there is one party in the country or in the Council in whose hands the interests of the minorities are perfectly safe it is the party which has the honour of being led by the hon. the Chief Minister. (Hear, hear.) And that is my answer to the charge of my Friend Mr. Nambiyar, and that is the reason for my making this appeal with a feeling of confidence to the hon. the Chief Minister, which I should not do to the pseudo-Congress Party which is now occupying the Opposition Benches."

* Mr. V. T. Arasu:—" President, Sir, let me at the very outset congratulate my Friend, Mr. Pannirselvam, for the gallant defence that he has put up on behalf of his own party, and particularly on behalf of the Chief Minister. Sir, the hon. Member from Tanjore has defended the Chief Minister in a strain worthy of Captain Bobadil.

" Coming to speak of the gentlemen who occupy the Transferred half of the Treasury Bench, it reminds me of a very significant definition that I have come across only recently. In the examination conducted by the Madras Services Commission for the recruitment of clerks for Government Service, one of the questions asked to test the general knowledge of the candidates was, what is meant by the term 'Minister.' The answer furnished by one of the candidates is very remarkable and significant, for which, I think, the Nobel Prize ought to be given him this year. His definition is: 'Ministers are mere

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shadows who pass off for trees.' (Laughter.) Sir, I submit that there can be no truer definition of the hon. Gentlemen who sit opposite. Sir, how the Ministers have been mere shadows of the permanent executive without any policy of their own, the hon. Mover of the motion has detailed at great length. As has been pointed out by that gentleman, the third Minister has put an end to compulsory elementary education in this Province. It must be said to the credit of the gallant knight from Berhampur that he introduced compulsory elementary education in this Province. And it has to be said to the credit of the Third Minister, the hon. Diwan Bahadur S. Kumaraswami Reddiyar, that he has put an end to compulsory elementary education, and that the word ' compulsion ' has become a dead letter. This is in itself a great condemnation of the Justice party which, in season and out of season, has been crying from house tops that it is the only and true champion of the interests of the masses of this Province.

" There is another point that has been made by the hon. the Mover of this motion, and that is, that this Ministry is responsible for appointing members of the Indian Civil Service to posts to which Provincial Service men could easily have been appointed. The posts are the Directorships of Agriculture and Industries. The less said about these, the better. I am not sorry that the legitimate aspirations of the Provincial Service men should have been overlooked. But I am only sorry that the Ministry should have gone against the definite recommendations of the Linlithgow Commission, which, as is well known, has been constituted by His Imperial Majesty for the specific purpose of laying down dictums for the guidance of the Indian Government.

" As regards the Minister in charge of Local Self-Government, I shall reserve my remarks on the administration of the Medical department, till that Demand comes up before this House, which I trust will be in a day or two. But I should like to take this opportunity to make a few observations on the administration of the Local Self-Government department. I state it with a full sense of responsibility that the hon. Gentleman has introduced into the local bodies all the ' turbulence of Westminister and the trickery of Grampound elections.' I am credibly informed, Sir, that in the matter of the constitution of wards for elections to taluk and district boards, the divisions in some districts have been so effected as to secure the return of his own partymen. It would appear that in some cases the hon. Minister has even set at naught the recommendations in this regard of the local bodies concerned. In spite of all that, the elections to these local bodies are being put off indefinitely and one knows not when they are going to come, perhaps at eternity. It is whispered, Sir, that these elections are being indefinitely postponed as the Chief Minister is afraid that his partymen would suffer if the elections were conducted now. I ask, Sir, whether it is right, whether it is proper, that a Minister should use his official powers to strengthen his party.

" Sir, I do not propose to take up the time of the House any further, and so I would only sum up what I have said. If this House agrees to the major and minor of the syllogism that I have put forward, viz.,

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to use official powers for party advantages is an abuse of those powers, and that the present Ministry did use those powers in that manner, I would appeal, Sir, that it should come to the logical conclusion of that syllogism.

" Thus using no arguments but such as Machiavelli might have employed in his Conferences with Borgia, I feel convinced, Mr. President, that this Ministry deserves nothing but severe condemnation."

* Dr. P. SUBBARAYAN :—" Mr. President, Sir, I am sure hon. Gentlemen opposite as well as hon. Friends behind me will admit that both during the days while I was in office and during the 18 months that I have been the Leader of the Opposition, if I have done anything it is that I have taken very great care to see that no recrimination is made on the Members sitting on the opposite side. I am sorry that when, owing to urgent business, I had to go away the other afternoon, the hon. Chief Minister's wrath was rather roused. I am sure I did not give the hon. Gentleman any cause for it and if I had refused to take part in the debate, it was because I felt the debate would be innocuous. I carefully read the hon. Member's speech and I was reminded of the saying of Shakespeare in Macbeth. ' It is all sound and fury signifying nothing.' That is the only way I can describe the hon. Gentleman's speech. I do not mean to follow him either in his fulminations or in his wrath. (Hear, hear.) If I stand here to-day it is only because I feel that if there is any business to be done it is the business of bringing peace in the land so that the constitutional progress of the country may be assured, and that you may get on with the work of Constitution building. (Hear, hear.) I say it without fear of contradiction, I am sure hon. Members sitting on the other side and hon. Friends sitting on this side will not *dare* contradict me when I say that if the Constitutional problem is to be solved it can only be solved with the Congress in it. (Hear, hear.) We have been called pseudo-Congress men. I plead guilty to having sympathy with the Congress; in its demand to be masters in our own country and also because I feel, they are giving, through the All-India Spinners Association, the poor, the toiling millions of this Province a by-industry which gives them at least a meal a day, when it was not even possible to get that meal. Those women and children, who are suffering to-day, are suffering not because they want to suffer, but they are suffering because they own that through their suffering will come freedom to their Motherland. I am sure hon. Members will not contradict me when I say that there is an earnest feeling in this country that we should govern ourselves, whether ill or well, whether England does or does not allow us to govern ourselves. It has been often said that we are children in the art of government.

" I would like to ask the hon. Gentlemen, of the Reserved Half, I 12–45
am sorry they are not present here now, I would ask the three eminent p.m.
Gentlemen who sit above the gangway to give a proper answer to the question I am propounding. The question is this. Are the Government prepared to get on really with the Constitutional Reforms to-day? I feel whatever may have been done, whatever the work of the Committees may be—I do not at all deny these are doing good work—I tell this to-day

and I am sure I will remain uncontradicted. If Mr. Gandhi is let out of prison and he comes out and is prepared to accept 60 per cent of the National Demand the country will follow him and will say, 'We have attained Swaraj; we have attained Freedom.' On the other hand if all the eminent and hon. Gentlemen who constitute the Round Table Conference manage to get 90 per cent of the demand that Mr. Gandhi had put forward, as long as that frail soul is in prison, the country will cry out and say, 'We have not got what we wanted. We have not got what the country requires to-day.' That is the state of the country to-day. I know I may be contradicted. Gentlemen opposite may not agree with me. But I have travelled into the villages. I have been to the very interior of this country. I can assure hon. Gentlemen that is the feeling which is pulsating the heart beat of the masses. (Rao Sahib Venkataramayya Nayudu: 'Elections are not far off.') I am sorry the hon. Gentlemen evidently thinks all this a joke. If he thinks my speech an election speech I am prepared to give him an undertaking (Opposition voices: 'Ignore him. Don't take seriously.') I do not even want to stand for election. I am satisfied with that. But I am only making a statement on the heart beat of the people of the land. (Inaudible interruptions from Mr. Venkataramayya Nayudu.) The hon. Gentleman is so irrepressible that he cannot be repressed. Perhaps he will realize the truth of what I say when he is opposed at the election by the other school of politics. I was not talking for election purposes. I made it clear at the beginning of my speech that I was not talking for the pseudo party, or the Congress party or the Justice party. I am speaking as a man—as a man born of this land giving out the feeling that is pulsating the masses of this land I say this. If the Constitutional problem is going to be solved, it can only be solved with the Congress in it; it can only be solved with that frail figure at whom you may laugh. But he does carry the masses with him. He does represent the soul of Freedom of this land and that is all I am referring to. I am only saying that if this problem is to be solved, it can only be solved with that frail figure at the table. It can never be solved without him. I am glad at least the Right hon. Gentleman, the Secretary of State for India, has had the wisdom to see it. He has regretted time and again in spite of whatever he might have stated in the House of Commons that he regrets the absence of the most well-organized party in the country at the Table of the Conference. I am sure he is voicing the feeling of his own countrymen when he says it and it is only that, I am reiterating, that without that frail figure you cannot and will not solve the Constitutional problem. (Opposition cheers.) I hope the Justice party and the hon. the Ministers will take note of what I have said and do what they think it best to bring this situation about so that the work of constitution building may proceed uninterrupted."

Rao Bahadur Sir A. P. Patro then rose to speak.

* The hon. the PRESIDENT:—"The Demand has to be put to vote at 1-15. The Chief Minister has to reply."

Rao Bahadur Sir A. P. PATRO:—"I know there is not time enough for full discussion and therefore I am to be very brief. After the very

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emotional address to which we have listened from Dr. Subbarayan, I feel very much constrained to enter into a discussion of the principle he has raised in his very feeling speech. Nevertheless it ought not to go without any comment or criticism on the part of those who disagree with the position which he has taken. For that reason I crave leave to stand to reply. We all know that Dr. Subbarayan is a very able advocate. He realizes more than anyone that no one can see his back. (Laughter.) Therefore he is very wise in avoiding or to use the language of my hon. Friend Mr. Hameed Khan 'acts of omission or commission' during the long period when he occupied the front seat. After all the acts of omission and commission during his period it is to-day that the Leader of the Opposition has realized more than ever that to govern ourselves is the policy of India. He is still a baby in politics. The Congress and other National associations have stated the ideal that we want Swaraj. The Government of India Despatch on the Reforms Report of the Simon Commission has laid down unmistakably that it is no longer possible for the Government to take the passive consent of the people but it is by active co-operation of the people that the administration of India is to be carried on. What more could be said in a policy, Sir, unmistakably stated in a Despatch of Lord Irwin and accepted by the Parliament. No longer it is possible for India to be governed with the passive consent of the people but active co-operation and consent of the people. I have quoted this before. So that here is the position to which the Government is committed and people have assented to. There is nothing new in the proposition which the hon. Member laid down for the benefit of the Justice party. On the other hand the Justice party co-operating with the Simon Commission have stated most unmistakably without equivocation,—a statement which the hon. Member representing the City has alluded—most unmistakably have stated, myself as Chairman of the Committee I said: Responsibility in the provinces will be shell without substance. Never that has been altered to my knowledge. If a cable has come from interested sources with a view to modify that position that statement ought to be condemned inasmuch as they are said in newspapers by correspondents in whom the Member representing the City seems to have full confidence. (Mr. Sami Venkatachalam Chetti: 'I want your contradiction.') During the last plenary session also the same statement was made. If the hon. Member representing the City is still in ignorance and expects to be and boosted by certain class of newspapers, then I am very sorry for him. I have always had regard for his caution and business-like habits. Now I see he is incapable of being relied upon at all. Therefore the question I was about to say is this. Govern ourselves is the theme which we should all bear in mind in this House. Certainly no one here in this House, I do not think any one in this country, does not admire the great influence which Mr. Gandhi has in the land. I yield to none in my appreciation of the great man. But as a statesman he carried no conviction. I am afraid I differ from what Dr. Subbarayan has said or any one may say. Having come with him in close quarters years before when he first came out of South Africa and

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having worked with him in close quarters I have personal admiration for Mahatma Gandhi, truly for his selfless character. His sincerity is such that it would evoke admiration from everyone of us. But if you propose in politics he is an authority it is a statement that I cannot follow. That the country could be led by an idealist is not practical. It seems to me it is very difficult for anyone to follow him fully. As regards my hon. Friend from Coimbatore, as I said yesterday, he is easily amenable to confusion. (Laughter.) Once in a way he has spoken clear. (Laughter.) Apart from that he said that the Justice party was holding office in spite of all that has been said before them. I am really surprised what their position was at the time of formation of last Ministry. Time and again we have been asking for representative Government and we have been asking for democracy and if the Governor has called the party which has a majority to form a Ministry, is it a crime, is it wrong? My friend representing the City of Madras knows best whether I am wrong. (Hear, hear.) Then again, we know it very well that it has been said that the Justice party has been working diarchy which has been condemned all round. Quite so. What is the position of the United Nationalist party? As the hon. Member for the City has put forward, I am not ashamed of being one of the Congress party to accept working of Reforms. What is their business if they don't believe in diarchy and if diarchy cannot be worked in such a manner for the best interests of the country? (Mr. Sami Venkatachalam Chetti: 'To keep power in check.') Absolutely no business there. (A voice: 'To expose you.') Expose us? When they try to expose us they expose themselves; they show their impotency and inconsistency. (Laughter.) Their presence here does not count. It may be that their Nationalist Press may support them. It may be that the Nationalist Press may boost them. But it must be realized that we are doing practical work and that is better than a cart-load of talk. (Hear, hear.) We have shown that we are capable of working the diarchic system for the best advantage of the people. In the matter of the rural development policy and in regard to increasing the material advantage of the people, we have done our
1 p.m. best. It has been accepted even by Congressmen. Therefore there is absolutely no necessity for my friends to go out of the way and say that the Justice party accepted office and therefore committed the greatest political crime. If that is so, I am willing to accept that charge and plead guilty to it in the interests of millions of people to whom it has done good service. Even now, I hope my Friend representing the Madras City would realize that there was absolutely no inconsistency, no change of policy, but all through one consistent, steady policy of working for the best interests of the country at large."

* The hon. Diwan Bahadur B. Muniswami Nayudu:—"Sir, the Mover of the motion, Mr. Hameed Khan, confined himself as far as possible to matters mainly relevant to the motion itself. He drew pointed attention to certain acts of omission and commission of the Ministry; other Members have however devoted a large part of their speeches to what took place on Monday. So I shall attempt in my reply to meet the observation first with regard to that.

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" Sir, I am glad to note from the hon. the Leader of the Opposition that he and his party were actuated by a feeling not to non-co-operate in any way with any party in this House but to create a spirit of goodwill among all classes and all parties, so that before the eve of the Reforms we shall be able to put our heads together and do something to indicate in our own way what the country wants. Judged from that basis, Sir, I feel at one with the Members of that party but only regret that that spirit which animates them now was practically abandoned on Monday when they chose not to take part in that debate. I may say, Sir, that I am actuated by the same spirit of goodwill and I am trying to see to what extent I can co-operate with the Opposition, to bring about good feeling among all parties. But I must say that the incidents which led up to the famous declaration of the Leader of the Opposition that he and his party would not participate in that debate on Monday do not show that he has been quite fair to the other parties.

" Mr. Sami Venkatachalam Chetti said that I had not co-operated with the Opposition. If the Opposition failed to show courtesy and reciprocity which is necessary for good feeling, how can I co-operate with them? I am glad that there was an occasion to-day at least for them to participate in the debate and talk out on what took place on Monday, but even to-day they do not say what they want except asking ' what is your view.' Is that a thing which makes for co-operation, I ask? If it is merely for the purpose of raising a debate, for the purpose of merely stating their opinion, the Opposition have got many methods by which they can do it. National demands are hung upon cut motions in the Budget; and I do not see what prevents the Leader of the Opposition, if he does not want to take part on a particular motion, to talk on any of the other cut motions. Also I am glad that my hon. Friend the Member for Madras let out a secret as to the attitude they are adopting. They do not possibly like that the particular motion on which the debate was raised should be preferred to other motions. If so, there was the motion by my hon. Friend, Mr. K. R. Venkatarama Ayyar. I tried my very best to see if they could agree upon any motion, but apart from saying that, as it raised a Constitutional issue, they could not participate in it, they did not do anything. What actuated them to say that they would not participate in that debate? Possibly I may be wrong, but their idea seems to be that it should not go to the credit of the Ministerialist Party. (Laughter.) If that party had expressed a desire to concentrate on any other motion, there would have been justification for saying that they were not given a chance to talk on the motion on which this question was raised. I therefore think that there is not much point in it. It may be seen that no Party in Office, while they may be anxious to go as far as possible to meet the Opposition, could submit itself to be dictated to by the Opposition. There was an attempt to dictate and I said I could not be a party to it. If the future conduct of that party makes me believe that there is a genuine wish for co-operation, I will give it; and nothing shall be wanting on my part to make that co-operation a fact. Here are fulminations—I am using the word my hon. Friends used—from the

youngest member of a party recruited from students, who is beyond all possible control of himself. I mean, Mr. Arasu. He rose into prominence one fine morning by going into the country and telling the Government that he would fight Civil Disobedience Movement, and asking Collectors to place Travellers bungalows at his disposal and in other ways making the Government believe that he is a staunch adherent to the policy of the Government. That is why he is nominated. And what is his attitude now? That is the kind of man who is to judge of the actions of the Party in Office. He is not even a member of any local body and he has no working knowledge at all, but still he has the cheek to talk of trickery in the elections. I throw a challenge direct to him if he knows anything of a union or taluk board. He talks in an irresponsible manner. To whom is he responsible except to himself for his misdeeds and the misstatements that he made—irresponsible statements not worthy of any Member of this House?"

* Mr. V. T. Arasu :—"On a personal explanation, Sir, as the hon. Minister has asked me one direct question as to whom I represent, I may straightaway tell him that I was nominated by His Excellency the Governor not because I was nobody, but because I was somebody and had some following in the country. If the hon. Minister doubts that, and since he has thrown an aspersion and insulted the intelligence of His Excellency the Governor, I am prepared to state on the floor of this House that I will vindicate His Excellency if the hon. Minister would ask his Secretary, Mr. Sundara Rao Nayudu, to resign his membership and allow me to contest it with him. Let the hon. Minister accept this challenge, if he dare."

* The hon. the President :—"I do not think any insult was meant."

Mr. Abdul Hameed Khan :—"I wish to know what the hon. the Chief Minister meant by 'misdeeds' of an hon. Member of this House. He ought to withdraw that word."

* The hon. Diwan Bahadur B. Muniswami Nayudu :—"If I used the word 'misdeeds' I withdraw it and use the word 'misstatements.'

"Then, it was said that the Ministers generally are mere shadows. I expect my friend to be a little more responsible in what he states, and not merely fling at others anything that he likes without an iota of fact to substantiate his statement. It is possible for any man to make himself a nuisance in the House."

Mr. Sami Venkatachalam Chetti :—"May I know if the hon. Minister is proper in saying that any member might make himself a nuisance in this House, referring to Mr. Arasu?"

* The hon. the President :—"Did the hon. Member mean it in connexion with Mr. Arasu?"

* The hon. Diwan Bahadur B. Muniswami Nayudu :—"Yes, I did mean it; I am prepared to withdraw it.

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" Then, if there was an impression that I tried to please the members of my party with regard to the administration of the subjects in my charge, I can certainly say that there was no such thing in my mind. I am certainly well able to face all the criticisms of the opposition.

" Then the other charge that was levelled against me was in regard to the passing of the Motor Vehicles Taxation Act, a charge for which there is no case. That the toll-gates must go was a thing recommended by the Road Committee, and also strongly voiced by the motor users and others. Also there was sufficient public opinion for the abolition of the toll-gates, and after considering as to how that opinion could be translated into practice, I introduced a Bill, and all sections of the House co-operated with me to get the Bill through the Select Committee. May I also add that the party represented by my friend Mr. Luker took an active part in the fixing up of the various scales of taxation. The Select Committee came with a definite recommendation that the Bill must be passed without any delay and it must be given effect to from 1st April 1932. It was under these conditions that the Bill was introduced and passed. I do not think anybody would say anything against the Bill on principle. What is said against it is that in the working of it, their expectations in regard to the income have not been fulfilled. I realize it. That question has been discussed on the floor of this House and referred to a Committee. The Committee is considering the various suggestions put before them. I am indeed thankful to Mr. Luker for the various suggestions made to the Government in the matter of tackling this question. One of the suggestions related to the taxing of the bullock carts. I do not know how far the country is prepared to tax the bullock carts. I do not know whether he would like to have the toll-gates revived not only for bullock carts, but for motor cars also. (Laughter.) That is the main test. If the toll-gates be revived it will be in respect of all vehicles; if it is not to be revived, the Act will have to be there, and there can be no question of taxing the bullock carts only by setting up toll-gates. There is power in local bodies and panchayats, if they want, to tax bullock carts, not through toll-gates but otherwise.

" Then, Sir, there are other points referred to, with regard to the amendments to the Local Boards Act. Sir, the responsibility for that originated with the Leader of the Opposition, though I do not say that it was even then understood that the elections would be conducted so quickly. Even at present, I have got the preliminaries settled, and arrangements are made for the preparation of the electoral rolls within the time fixed. We have finished the elections so far as the municipal councils are concerned. The elections to the local boards have to be held up owing to some proposals pending in the Revenue Department, in regard to the bifurcation or abolition of some districts or grouping of certain divisions in districts. I do hope that the elections will be held as quickly as possible. But I may say here that the date on which the elections will be held will depend on the quickness with which the Revenue Department will be able to decide their own questions and intimate to us in what month the elections could take place.

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"In regard to the various proposals that have come up before me, I can only say this. It may be, as my friend said, I have not been able to please my own party, nor do I say that I have been trying to please the opposition. All I can say is that I have been trying to do my utmost for furthering the interests of the general tax-payers of the country and not of the sitting Members here.

1-15 p.m. "I am sure if there was anything which could be made a matter for censure by the Opposition it must be this: that Members of the Opposition Benches expected to be Members of the Government and that, because they failed, they want to censure the Ministry. If that is the ground on which the Opposition wants to pass a censure motion, then I am afraid they have given up their case.

"Sir, a question was raised with regard to repression and also with regard to a Government Order that was issued in connexion with the hoisting of a National Flag, by the Leader of the Opposition. My Friend, Mr. Nambiyar, referred to the elections next time and said whether I could face the electorate with any hopes of success. Sir, if the next election is to be contested on that issue, then I dare say there is not much for both of us to pick and choose. A voice: 'Both of you go.' I very well expected that statement.

"Sir, apart from that question, so far as repression is concerned, it is not merely that this Province is concerned with the question of maintaining law and order, but also other Provinces. It is really not possible to discuss that question and say as to what passes in any cabinet. I am sure the hon. the Home Member will answer these charges sufficiently well. (Laughter.) Well, my hon. Firend asked 'What did you do inside the Cabinet; why did you co-operate with the Government knowing as you did the consequences of your action.' My only answer to that is that, if you will co-operate with us without causing the least inconvenience to us till peace is restored, then you will realize what attempts we made to bring about that peace. (A voice: 'Why don't you do that, you are a Member of a big party.') Sir, the only appeal that I would make to my hon. Friends on the Opposition Benches is this, 'If you do your part of the duty, the Government will do their part to see that these things do not recur.' I am glad that in this at least the hand of co-operation is extended to me. I am prepared to attend any meetings with my hon. Friends on the other side, to ask people not to break the laws of the country. That is not the way of achieving *swaraj*.

"Sir, with regard to rural reconstruction, I have to point out that we have not done enough owing to financial stringency for the purpose of improving rural roads, digging wells and so forth. Though it has not been possible to continue the activities in several other directions, a decent amount is budgeted for this year, for rural reconstruction.

"Well, I have nothing more to add. If within these 18 months I have not satisfied the Opposition, I shall not be sorry for it. I do

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not think any Opposition which is legally constituted would be satisfied with the Party in Power. I can say that in everything that has been possible to undertake we have tried our best and if we have not been able within this term to put forth on the Legislative anvil any necessary legislation, it is not due to want of sympathy with regard to those subjects, but it is due to want of time for sufficently thrashing out those subjects on which we want to legislate. I was referring to the Municipal Bill.''

The cut motion was put and lost.

Demand XI—Ministers, Civil Secretariats and Miscellaneous—Transferred, for a sum not exceeding Rs. 4,24,100 was put and carried and the Grant was made.

DEMAND XII—ADMINISTRATION OF JUSTICE—RESERVED

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" On the recommendation of His Excellency the Governor I beg to move—

'*that Government be granted a sum not exceeding Rs.* 78,51,000 *under Demand No. XII—Administration of Justice—Reserved*'."

Mr. M. DEVADASAN:—" Mr. President, Sir, I beg to move—

'*that the allotment of Rs.* 78,51,000 *for Administration of Justice be reduced by Rs.* 100.'

" Sir, I move this motion not to obstruct the business of the Council but to point out to the Government the unsatisfactory state of affairs in the dispensation of justice in this Presidency. When there was a discussion on the floor of this House on the question of the separation of Judiciary from Executive, I pointed out that there were defects in the administration of justice in criminal courts. I do not want to refer at this stage to the administration of justiec as meted out by criminal courts. Now I confine myself to the civil courts. The report published by the Government giving the statistics of the civil and criminal courts deal with the quantity and not with the quality of work turned out.

" Now I should speak about the defects which I have gathered from my experience. Recently on account of retrenchment, Courts of District Munsifs and Sub-Judges were abolished in certain districts and the abolition of these courts resulted in the dislocation of business and inconvenience to most of the litigant public. As you are aware, a large amount of court-fees is being received by the Government and they have not suffered any loss by keeping any of these civil courts. There is no justification for the abolition of these courts. In my own district the District Munsif Court of Palamcottah was abolished. It was intended for the people of two taluks, namely, Nanguneri and Tinnevelly. The abolition of the Munsif's Court has caused much more inconvenience

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to the people of those taluks than what Government seem to think. Now the people of these taluks have to travel 50 or 60 miles to go to another District Munsif's Court to which jurisdiction these taluks have been transferred, which means heavy expenditure to the public.

"Sir, coming next to Revenue Courts, I want to say a few words. Summary suits are filed before the Divisional Officers under the Madras Estates Land Act. Sometimes a number of suits are filed by the same party. Before one suit is disposed of another suit is filed by the same man against the same party on a different cause of action and the Divisional Officers take a long time to dispose of them. None of the summary suits filed before them becomes final. Almost all of them are taken on appeal to the civil courts with the result that it causes considerable expense to the parties. In connection with the trial of summary suits I have to point out that a large amount of influence is being exercised by landlords over the Divisional Officers. In a case between a landlord and the tenant the tenant gets worsted and the landlord gets the upper hand and the administration of justice in the case of summary suits in Revenue Courts is not so satisfactory as it ought to be.

"Then, coming to the Insolvency Courts, there are a large number of petitions admitted and only a small number of men have been discharged. Year after year insolvency petitions have been increasing. In the year 1930 there had been 4,893 insolvency petitions as against 4,360 in 1920. It is quite true that insolvents should get protection according to the Insolvency law, but protection afforded to the insolvents should not be such as to encourage the people to rush to Insolvency Courts to the detriment of the creditors. Such of those persons as rush to Insolvency Courts must be asked to disclose all their assets, so that they may be utilized for the benefit of the creditors. In most cases the insolvent petitioners hide their assets and defraud the creditors.

"Sir, the next point that I want to speak is about the village and panchayat courts. The total number of suits filed in 1930 in the Courts of Original jurisdiction is reported to have been 551,779 and out of these 243,409 have been filed in the panchayat and village courts. So much so it will be seen that half the suits that should have been filed in civil courts of higher jurisdiction have been filed in the village and panchayat courts. The reason for this increase of suits is the non-payment of court-fees for suits filed in village and panchayat courts. I must say that a certain amount of check is necessary for the institution of suits in courts of this kind. In certain districts it appears from statement No. 8 of statistics of civil courts some of the village and panchayat courts take cognizance of cases whose values do not exceed Rs. 500 but the rule appears to be that they could not take cognizance of suits whose value exceeds Rs. 50. In Village and Panchayat courts it so happens that no suits are filed without consulting the village munsif or the president of the panchayat court. The administration of justice in the village

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and panchayat courts is not so satisfactory, just and impartial as it ought to be. In most of the villages there is faction which results in the division of many of the villagers.

"As a result of these factions there is always some likelihood of injustice being done due to party feelings. The District Collector of North Arcot has reported to the High Court that the Panchayat Courts in his district are all riddled with party factions and that they require time, patience and careful supervision for their proper functioning. This phenomenon is common to every district and it is not peculiar to North Arcot alone. The existence of one faction or other in every village results in the administration of justice being brought to a standstill."

After Lunch (2-30 p.m.)

III.—ALLOTMENT OF A SEPARATE DAY FOR THE DISCUSSION OF CONSTITUTIONAL REFORMS.

* Dr. P. SUBBARAYAN :—"Mr. President, Sir, I crave your permission to ask the hon. the Leader of the House to make a statement as to the arrangement of business for the next few days. I wish to do so because as the hon. the Leader of the House knows I wrote to him asking to give a day for the discussion of a motion on the subject of the pending Constitutional Reforms. The wording of my motion is well known to all as it has already appeared in the Press. The hon. the Leader of the House said that he would consult the hon. the Chief Minister and let me know what can be done. At the same time he mentioned that unless there was some unanimity it would be difficult to get a motion of that kind discussed in the House. On that suggestion I tried to amend the motion so as to make it acceptable to the other parties. Even in the watered-down form in which the motion now stands, I find that it is not acceptable to some of the members of the other parties. I may recall to your mind, Mr. President, that the question of speeding up of the next instalment of Reforms was raised by the hon. Member for West Godavari on a cut motion on the Demand relating to the Heads of Provinces. I said then that our Party could not agree to discuss the very important question of Constitutional Reforms on a cut motion like that, and I explained the reasons for the abstention of my Party. I stated then that a cut motion was only a cut motion and that, even if it was carried, its effect would be to reduce the allotment by the amount mentioned in the cut motion. It is only by the courtesy of you, Mr. President, that the reasons for the cut motion are given along with the notice of the motion. In this case the object was given to be the speeding up of the Reforms which is too vague to signify any definite decision on the part of the Council. And as it did not form part of the actual motion carried in the House, it could not of course be amended."

* The hon. the PRESIDENT :—"I do not think the hon. the Leader of the Opposition is in order in discussing the merits of a cut motion as compared with other motions."

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* Dr. P. SUBBARAYAN :—" I am not discussing the merits of a cut motion. I am only pointing out why it is not possible to carry a resolution on Constitutional Reforms because, as I said before, a cut motion is only a cut motion for the reduction of a certain amount from the allotment in the Demand and it is only by your courtesy that Members specify the object of their motion in the notice they send to the office. In that sense I submit that a discussion has not really taken place, although the hon. the Revenue Member promised to forward the debate to the authorities concerned.

" I do not want to say anything with regard to the speech of the hon. the Chief Minister, because I think that has already been dealt with and we can regard the matter as closed now. But may I submit, Mr. President, that the position taken up is not a satisfactory position? May I also remind hon. Members that unanimity on a motion like this is not easy to obtain? Besides the reasons for putting down a motion of that kind is to try and convert people who may not be convinced by the mere wording of the motion by showing them what exactly is the scope of the motion and what is in the mind of hon. Members who have put down the motion on paper. It is only after a full discussion on the motion that hon. Members can realize whether what is asked for in the motion is advantageous to the country or not. In that sense I feel that it is right and proper that an opportunity should be given for a discussion on this Constitutional question. I may remind the hon. the Leader of the House that even in the House of Commons the motion on Indian Constitutional Reforms was put forward as a separate motion and discussed and a vote was taken on it. It is only a separate discussion and voting on the question that will show the feeling of the House clearly. For these reasons, I hope that the hon. the Leader of the House will be convinced that it is only right that a separate day should be allotted for the discussion of this motion."

* The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur :—" Mr. President, Sir, the Budget days have been fixed by His Excellency the Governor. In order that one of these days allotted for the Budget should be utilized for the purpose of discussing a resolution on Constitutional Reforms, Government feel that there should be unanimity in the Council on the point. At least the Leaders of the Parties should agree to forego one of the days allotted for the Budget discussion and utilize it for this purpose. If there is that unanimity, even now the Government will be prepared to advise His Excellency the Governor to allot one day for that purpose. In the absence of any such unanimity Government feel that they cannot request His Excellency to cancel one of the days allotted for the Budget discussion and utilize it for the discussion of a resolution on Constitutional Reforms."

* The hon. Diwan Bahadur B. MUNISWAMI NAYUDU :—" It is true that a discussion on the resolution in the form in which it was put by the hon. the Leader of the Opposition was not agreed to by us. But I have not seen the form in which he says he has amended it so as to suit the views of other parties."

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* Dr. P. SUBBARAYAN :—" I have already sent a copy to the hon. the Leader of the House."

* The hon. Diwan Bahadur B. MUNISWAMI NAYUDU :—" I have not seen it at all. We wanted some amendments to be made to the latter portion of the resolution and the hon. the Leader of the Opposition was not willing to make them."

* Dr. P. SUBBARAYAN :—" They were made subsequently."

* The hon. Diwan Bahadur B. MUNISWAMI NAYUDU :—" If my hon. Friend's move is to have a motion talked out in the Council and probably voted down, it is a quite different matter. If, on the other hand, he wants the House to discuss and pass a motion which will indicate the view of the House as a whole, I am quite as anxious as he is to have a day allotted for this purpose even at the risk of cutting out a day allotted for the discussion of the Budget. But if it is merely putting any motion on the paper which will give rise to counter motions and rouse party feelings, I for one see no purpose in it. Even now I am quite prepared to discuss the matter with him so that we may see whether we cannot come to some sort of agreement on the nature of the resolution to be tabled."

* Dr. P. SUBBARAYAN :—" As I already said, I have told the hon. the Home Member the utmost limit to which we will be prepared to go. I handed him a copy of the motion three days ago. Am I to take it that if there is no unanimity on the wording of the motion, that is to say, if the motion is not a unanimous motion, Government is not prepared to give a day for the discussion of this subject? Possibly it is the effect of the answer given by the hon. the Home Member. If it is so, I would like him to make this point clear."

* The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur :— " What I have said is there must be unanimity with regard to the foregoing of a day allotted for the discussion of the Budget."

* The hon. the PRESIDENT :—" The best thing at this stage will be for the Leaders of Parties to come together, discuss the matter and come to some conclusion before they ask the Government to allot a day for the discussion of the resolution. When unanimity is not obtainable, I do not think there is any use of further pursuing the matter at present."

II.—THE VOTING OF DEMANDS FOR GRANTS, FOR 1932-33—*cont.*

DEMAND XII—ADMINISTRATION OF JUSTICE—RESERVED—*cont.*

*Mr. M. DEVADASAN :—" Sir, in continuation of my speech this morning I want to refer to the constitution of the panchayats and the village courts. The panchayat courts are composed of members elected by the people. In reply to an interpellation whether there were members of depressed classes in the panchayat courts of Tinnevelly the hon. the Law Member said that he was not prepared to call for the necessary information as the constitution of the courts was made through election. There are very few members of the depressed classes in the panchayat

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courts. But in the village courts there are none at all. According to the Hereditary Village Officers Act, only caste Hindus happen to be village munsifs and village magistrates. As these village magistrates who are all caste men are administering justice in the villages, they are entirely unfavourable to the depressed classes. I do not want to refer to all the irregularities on this occasion, but I must point out some of the irregularities in the working of these courts.

2-45 p.m. "In some cases, suits are filed splitting the cause of action. Sometimes a party files two suits, one against the father and another against the son claiming the maximum amount to be recovered from each of them in the panchayat court or in the village munsif's court. If there is no opposition, and if there is no protest, a decree is passed.

"I want to refer to other instances also. If there is no protest in the cases brought in contravention of the section 13 of the village Courts Act, Village Munsifs pass decrees against the parties. The result is injustice. I have to bring to the notice of the House another instance in which injustice was done to a member of the depressed classes. He had to remove a portion of his fence in his field for carting manure; in so doing, he damaged a portion of the field of his neighbour who was a Marava. It is alleged that he had entered into a contract with the neighbour, for the removal of timber and that he did not pay the amount due on the contract. A suit was filed by the Marava against him in a village court. Even though he moved the District Munsif's Court for the transfer of the case, he did not succeed, and a decree was passed against him. In such cases the village munsif joins one of the parties and passes decrees against the other party. Suits filed in the village munsif's courts are recorded to appear to have been filed 10 or 15 days before the actual presentation of the suits. Summons are issued and served on the parties only one or two days before the date of hearing and in such cases it will be impossible for the defendants to apply to the District Munsifs' Courts for the transfer of the cases under section 20-A. Even if a party applies to the village munsif for adjournment, apprehending injustice, it is not given. Even if the party moves the District Munsif's Court for transfer of the case and even though an order of stay is passed on the village munsif, the latter joins with the other party and records to have passed a decree in the absence of the other party. The records of the village munsif are fabricated to prevent justice being done to the party who asks for transfer of the case under the Village Courts Act. If he moves the District Munsif's Court for setting aside the order, he is asked by the District Munsif to go back to the village munsif's court where the decree was said to have been passed, to set aside the ex parte decree. While in fact the village munsif passed a decree wilfully and wantonly, it would be impossible for the party to have the decree set aside by the village munsif. These are the difficulties experienced by the litigant population in the villages and even if the matter is taken to the District Munsif's Court, under section 73, people are not able to get adequate justice. It is high time that the provisions of the Village Courts Act should be amended.

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"With regard to Criminal Courts, I referred yesterday to some of the difficulties experienced by clients. Most of the Magistrates establish relationship with some people of the district and it becomes difficult for poor people to get justice against rich men when the case is between the poor and the rich. Conviction is often the result of Police cases. But in the majority of private cases—cognizable or non-cognizable—the Magistrates acquit or discharge the accused. The Magistrates have implicit confidence in the words of the Police, whether they are true or false; but in private cases, the Magistrates do not care to find out the truth, since nobody can check them.

"My hon. Friend, Mr. Manikkavelu Nayakar, told us the other day that in a forest case in which he appeared, people were convicted though it was a false case. It is not peculiar to his own district; and the same is the case with other districts also. In forest, excise or motor cases, the Magistrates give more weight to the Police whether the cases are true or not.

"In conclusion, I must say that justice is not administered in the interests of the people. If the Government were to last long, it must be on the impartial administration of justice. If proper justice is not rendered to people, it will be very difficult for the Government to secure the co-operation of the people. The Government may think that these matters are trivial, but I must say that the Government should consider all these as essential to the happiness of the people.

"Before I conclude, I must refer to one fact. An order under Section 144 was passed against my hon. Friend, Swami Sahajanandam in the name of justice. The Sub-Magistrate and the local Police and the District Magistrate were inclined to help him in taking a procession along a public street. But the Divisional Magistrate passed an order against him. In the name of law and order, injustice has been done to him if his statement is true. It is for the Government to see that such injustice is not done. In cases where there have been violations of law and where powers have been used to the disadvantage of one section of the people as against the other, I appeal to the hon. the Law Member to check the abuse of power. If there is anything wrong, it is for the Government to rectify it and to see that every subject of His Majesty gets the impartial administration of justice. With these words, I move my motion."

* Dr. P. Subbarayan:—"Mr. President, Sir, I want to bring to the notice of the hon. the Law Member one or two points about the convictions that have been passed in the case of political prisoners recently. Of course those who break the law, must be prepared to be punished by courts of law. But at the same time, I should say this: during the last four or five months I find that the punishments awarded are more severe than they need be for the offences that have been committed. Imprisonment for 18 months, two and for even three years and fines amounting to Rs. 1,000 have been imposed on some of these people. Of course I agree that people who choose to break the law should pay the penalty for doing so. As the hon. the Home Member of the Central Provinces said the other day, I feel that the hon. the Law Member should review the sentences passed on these people

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and see whether, in his opinion these punishments are not more than these people deserve. I wish to mention the case of Mr. Satyamurti, not because I feel that he is any the more important than any other persons who have been convicted, but merely because the offence was committed in the City of Madras and because I know the punishment that was meted out to him. I am mentioning his case only as an example. The hon. the Law Member will remember that Mr. Satyamurti was charged under two different counts. The first charge was under section 17 of the Criminal Law Amendment Act. It is a fact that he was managing the business of an association which had been declared unlawful. He was tried for that and awarded a sentence of 12 months. Then he was charged also for the offence under the Ordinance, for distributing, leaflets about picketing and other offences. He was tried for that offence and given another six months. Mr. Rajagopalachari was also convicted for the same offence and he was awarded only six months. Really speaking, these two gentlemen were punished for the same offence and I feel it comes rather hard on Mr. Satyamurti that he should get 18 months for an offence which was committed by his co-accused, Mr. Rajagopalachari. I feel that injustice has been done in the case of Mr. Satyamurti. Eighteen months have been awarded for the same offence for which another gentleman got six months. Therefore I hope the hon. the Law Member will go into the question by calling for the records. I am only mentioning Mr. Satyamurti's case as an example; but there are cases all over the Province wherein I have seen that fines imposed and terms of imprisonment awarded are more severe than they need be for the offences that have been committed. I hope that the hon. the Law Member will go into the matter sympathetically and see whether anything cannot be done to reduce sentences on such persons."

* Mr. C. Satyanarayana Choudari :—" Mr. President, Sir, I have given notice of two cut motions with reference to this demand. The object of one of the motions is to draw the attention of the Government to the way in which Judicial Officers are being treated in the matter of filling up of permanent vacancies in the department."

* The hon. the President :—" The main discussion is about motion No. 298 which deals with the unsatisfactory state of affairs in the dispensation of justice. If the hon. Member desires to speak on that point, he may do so."

* Mr. C. Satyanarayana Choudari :—" I hope I will be given the opportunity of moving my cut motions."

3 p.m. * The hon. the President :—" It depends upon the time available."

* Mr. C. Satyanarayana Choudari :—" The matter of the cut motion I have given notice of, in a way relates to the Administration of Justice which is covered by the motion brought forward by my friend Mr. Devadasan. In filling up the permanent vacancies in the department, there are certain grievances which I wish to bring to the notice of the Government. On account of the economic depression and the consequent fall in the revenue of the Government, the Government have decided upon a policy of retrenchment from last year. With

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this end in view, they issued a Government Order directing that no vacancy should be filled up after the 15th of August 1931. The consequence is that several officers who have put in 20 and 25 years of service and who have been acting as Sub-Judges for a number of years are still kept on as acting Sub-Judges, and I am told some of them are to retire in a couple of months, as acting Sub-Judges. 'If the Government Order had been made applicable uniformly to all the departments, there would be no legitimate complaint against the policy of the Government; but I see, Sir, that in every Gazette that is issued week after week, the vacancies in other departments are permanently filled up while the vacancies in the cadre of Sub-Judges in the Judicial Department are alone kept vacant. That is a matter which I wish to place before the hon. the Law Member and I wish to ask him whether he is aware of the distinction that is being made between the Judicial Department and the other departments in this respect and whether there is any good reason for making that invidious distinction.

" The other point that I wish to urge on the hon. the Law Member is this: the way in which the cases are being disposed of in the civil courts. It is common knowledge that the civil courts are, as a rule, self-supporting, and if the department is taken as a whole, the Judicial Department is bringing in more and more profits and surpluses to the Government. Jurisdiction is being added to the Sub-Judges and the District Judges. There is the ordinary civil and criminal work; there is insolvency work; there is election dispute work; there is Religious Endowments work; there is land acquisition work. They are very much hard-worked, and yet they are not able to dispose of the cases of the normal litigant public as speedily as they ought to be able to do. They cannot be blamed for this. The result is that justice is delayed, and justice delayed is very often justice denied. That is the state of affairs which I hope the hon. the Law Member would try to put an end to, by giving more facilities to the litigant public for the speedy disposal of their cases, by continuing the additional Judges. If we go to the District Munsifs' Courts, the conditions there are not any the better. The number of cases one would consider as normal work for a Munsif's Court cannot be more than 300 or 350 cases; but what is it that we find? So far at any rate as my district is concerned, I find that there are something like 700 or 800 cases on the files of District Munsifs. That is certainly an abnormal state of affairs, so far as the work of District Munsifs is concerned. With these heavy arrears in the Munsifs' Courts, it is surprising that the Government, even in the interests of retrenchment, or even for financial considerations, should think of abolishing the additional courts that are now functioning. Even with the additional courts now functioning, we have these arrears. If the additional courts are to be abolished, and if from the beginning of the next financial year we are to be without these additional courts, I am afraid, Sir, the litigant public would be very much inconvenienced, and the ultimate result might be disastrous even to the Government, because the litigant public might get disgusted with the courts and they might even stop going to the courts. Where the

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Government expect to save, they will be ultimately losing. I would therefore urge on the attention of the Government these considerations in connexion with the provision made for the next financial year for the Administration of Civil Justice in this Presidency."

* Rao Bahadur C. NATESA MUDALIYAR:—" Mr. President, Sir, I support the motion moved by Mr. Devadasan. Sir, it is true that as far as the depressed classes are concerned, dispensation of justice in the proper way is not being done in some cases. There is a village near Madras, Ponneri, where some of the Adi-Dravidas were belaboured and they even went to the doctor and got a certificate; but nobody would give evidence on behalf of the Adi-Dravidas. The village munsif is afraid of the Police and doctors are afraid of giving certificates or evidence. So, the men were placed before a Magistrate in Chingleput, and in spite of our having engaged a vakil for the Adi-Dravidas, on the evidence of two constables, one man was convicted and he had to undergo one year or one year and six months' imprisonment. There are some cases like that. So, I request the hon. Law Member to see that no man is punished on the evidence of the Police constables alone. If the Evidence Act is to be amended you are here to do it—the Legislative Council is here to do it. If we find that any of our Acts is doing wrong to the people, why should we not have it amended? It is in the power of the Council. Of course the Law Member will see that it is done. Not only that, Sir. It is better that people are not punished on the evidence of Police constables, or Sub-Inspectors. It is always better that independent evidence is taken before punishing the people. This must apply even in political cases.

" Another request I have to make to the Law Member. The District Magistrate or District Judge does not care for the medical certificate produced from medical people, whatever their status may be. Sir, I gave a certificate in the case of the late Mr. Manickam Naicker a few months ago that he was suffering from high blood pressure and that if he went to Trichinopoly, he would die. But the Magistrate refused to accept the certificate. Then the appeal came to the High Court—and I am glad, Sir, our High Court is constituted most efficiently—the High Court Judge accepted the certificate and a few months hence Mr. Manickam Naicker died. Why should the Judge think that that medical certificate was not enough?

" Another thing I request the Law Member to look into. That is, the benefit of the doubt should always be given to the accused. Why should a certificate which states there is high blood pressure—280 per minute—be not accepted? Probably the Judge did not know what it was. These people should have a knowledge of medicine too—these Judges.

" Sir, all these grievances will be put an end to if recruitment is made according to the various communities. There is of course the communal Government Order. I must request the hon. the Law Member to see that the communal Government Order is applied

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district-war. The Andhras say 'we are not represented', the Tamil people say 'we are not sufficiently represented; we are here in Tamil Nadu, Tamils and Telugus exist from Madras to Cape Comorin. So, they also say they are not satisfied; and the Kanarese people say they are also not satisfied. Then, what about Malabar? The Malabar people say they are not satisfied. So, I say, let them recruit people district war. I say district-war, not without the communal Government Order. I say with communal Government Order, district-war. I say communal Government Order, district-war—that is the request I make. If that is done, I do not think there will be any more trouble. One head of the department tells me 'What am I to do? The Madras Services Commission gives us a list, and we are to follow'. The Madras Services Commission may of course say 'these are the people that are fit to be there'. They ought not to say 'you are to appoint this man or that' according to the order in which they are arranged or something like that. According to the communal Government Order, let them select the people, and let the head of the department appoint them district-war. Even the promotions, it seems, are being interfered with by them. I am extremely sorry that this learned Body gave such power to the Madras Services Commission. At least give them these directions, and let them follow them up. I think our Council should do it.

"Sir, I have nothing more to say except to make one more request. There was a proposal here to extend the working hours of the High Court Judges. Sir, perhaps for all the miscarriage of justice in the lower courts, our highest hope of protection is our High Court. I am glad to say that so far as the personnel at present is concerned, it is most efficiently constituted. Excellent Judges there are to-day and they are giving judgments independently of the Government of Madras. That is what we want. We do not want any Judge in the High Court to look to Government for any assistance. Independently of the Government of Madras they must give judgments and they are doing so. The Law Member may have a hand in appointing the Judge, but after appointing him he must be made completely independent; even that appointment I do not want this Government to make; it must be the Government of India, or the Secretary of State who should do it. Only then High Court will be completely independent. Of course most of them are doing their work peacefully. I admire them. But let us not make their work deteriorate by extending their hours of work. I am of opinion that besides Sunday and Saturday there should be a day in the interval for them, a holiday. Wednesday is better. Sir, imagine the work of a High Court Judge who wants to discharge his duties conscientiously. There are twenty cases posted before him for a day; in working,—of course I am expressing my own views—he has to go through all the files relating to the twenty cases from five o'clock in the evening perhaps till he goes to the Court again at ten the next morning. If he is a conscientious Judge, he goes on looking into all matters, going through all the judgments of the lower Courts, from the lowest court upwards till they come to the High Court; not

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only should he master the facts, he should also master the points of law relating to each case. Then he goes to the High Court and sits there. What is his position there? Two learned lawyers try to drag his judgment this side and that side into the whirlpools they are creating; there he has to carefully steer his judgment through. Such is the present position of the Judges. Then, Sir, imagine his concentration; for hours he has to be going on with such work one hour, two hours, three hours, four hours, five hours, and then similarly continuously even for five days. Imagine the state of his mind, Sir. I am sure not one Indian High Court Judge will retire without diabetes; and if he does retire, his end will be very soon. So, I request the hon. the Law Member to see whether he cannot lighten the work of the Judges, so that they may continue without deterioration mentally and physically. Sir, I request the Members of this Council not to press that the Judges should work on Saturdays also. They cannot do so; how can it be possible? You, Sir, hon. Mr. President, are sitting there calmly listening to fifty or sixty people boring you with their speeches. (Laughter.) How can you go on doing it always? The Secretary is sitting there always pointing out the law point; he will have to be active always; what is to be the state of his brain? So, I request, Sir, that this Saturday—the coming Saturday—should be a holiday for us. (Laughter.) I request the hon. the Law Member to see that there is no extension in the hours of work of the High Court Judges. With these few words, I support the motion."

·15 p.m. * The hon. Diwan Bahadur Sir M. Krishnan Nayar:—" Mr. President, Sir, my hon. Friend Mr. Devadasan, referred to some events in his district. He referred to the inconvenience caused to the people by the abolition of a court in his district. I believe that he had in his mind the abolition of one of the two Munsifs' courts situated in the towns of Tinnevelly and Palamcottah respectively. As a matter of fact, one of these courts, the Palamcottah court, has been abolished and has been amalgamated with the Tinnevelly court. This question of abolishing one of the courts was very carefully considered by the District Judge of Tinnevelly and by the High Court and it was as a result of the recommendation made by the High Court and after a careful consideration by the Government, that the Palamcottah Court was abolished. I may also mention here that there was also a memorial from the pleaders concerned. That memorial contained two requests, one was to retain the court as it was and the other was a prayer to the effect that, if for any reason Government thought it necessary to abolish the Palamcottah court, that court might be amalgamated with the Tinnevelly Munsif's court. This alternative prayer was accepted by the Government. I am very sorry if inconvenience has been caused to the people by the abolition of this court, but it was a matter of necessity. In abolishing this court—and my remarks apply equally to the abolition of the other courts in the Presidency as well—both the High Court and the Government have proceeded on the principle that least inconvenience should be caused to the people concerned.

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" Then my hon. Friend, Mr. Devadasan, referred to the disposal of revenue cases by the Subdivisional Officers and he also referred to the increase in the number of insolvency cases. My friend knows very well that it is not possible for the Government to deal with individual cases, but my friend's suggestion will be remembered by me, and if it is possible to do anything in the matter, I shall do so.

" My hon. Friend also referred to the village courts and panchayat courts and stated that justice could not be had particularly in panchayat courts, because there are factions in villages. As a matter of fact, the establishment of these panchayat courts was due mainly to the agitation by the people that the people should be given such powers. I am very sorry that there are factions. Yesterday also, in connexion with some other matter, the same remark was made by another hon. Member and I hope that all attempts will be made by public-spirited gentlemen like my hon. Friend to put an end to the factions in the village courts.

" Then my hon. Friend referred to the disposal of cases in criminal courts. He referred to certain individual cases and said that there were hardships in those cases. I daresay there was a hardship and I am not in a position to contradict my friend. But what can Government do in individual cases like these? It is impossible for Government to interfere. Of course it is for the party concerned who thinks that an injustice has been done to him, to take the case up either in revision or in appeal and to adduce evidence in the court of first instance, so that when cases are taken before an appellate court or before a court of revision, there may be material for the court to dispose of the case in a proper manner and do justice to the person who thinks that an injustice has been done to him. Here again if any way can be found for remedying these alleged acts of injustice, I will certainly do so, but I find it very difficult to give a definite answer here.

" My hon. Friend, Dr. Subbarayan, referred to hardship in individual cases of civil disobedience and made an appeal to me to send for records in these cases and revise the sentences. Here again, what I have to tell my hon. Friend is this. Throughout the Presidency, there are a large number of civil disobedience cases. My hon. Friend himself is a lawyer and a distinguished lawyer and he knows that it is impossible for the Government to send for all these cases and to revise them. In the first place, it is impossible for the Government to know what particular punishment has been awarded to any particular accused in particular cases and unless Government is made aware of the existence of any injustice in special instances by petitions by the parties concerned or in other ways, it is impossible for the Government to know all these cases. Then again, the Government of course cannot—and my hon. Friend knows that—issue instructions to the Magistrates concerned to be lenient or severe. That would be absolutely impossible and would be absolutely unconstitutional also. The principle also

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is that the executive should not in any way interfere with the judicial powers of any officer under the Government, whether he be a civil judge or a magistrate. But, I can promise this: that if special cases are brought to the notice of Government, the Government will examine such cases and do what it thinks is necessary under the circumstances of the case. If individual cases are brought to the notice of Government, under section 401, Government will look into such cases.

"Then, Sir, my hon. Friend, Mr. Satyanarayana Chowdari, referred to the fact that some of the Sub-Judges who were acting for a long time before the 15th of August of last year, i.e., 1931, were not confirmed. This was due to the Government Order which was issued in the Finance Department, after consideration by the whole Cabinet. Those Sub-Judges that had acquired a statutory right for confirmation before the 15th of August 1931—and there were three of them—were confirmed, but the others were not confirmed.

"Then, he also referred to the existence of heavy arrears in courts and to the fact that the abolition of courts causes additional hardship to the litigant population. Probably my hon. Friend is thinking of the abolition of the Additional Munsif's Court in Guntur. (Mr. C. Satyanarayana Choudari: 'Both the Additional Sub-Judge's Court and Additional Munsif's Court at Guntur.') I do not know whether they have been abolished. If they have been already abolished, the question of restoring them will be considered by the High Court at the proper time. If they have not been abolished, I shall bear my hon. Friend's suggestion in mind when the question comes up for consideration.

"My hon. Friend, Dr. Natesa Mudaliyar, drew attention to a number of points. He referred to the case of an Adi-Dravida who was unjustly convicted. I am very sorry if he was unjustly convicted. As I said already with reference to some point raised by my hon. Friend from Tinnevelly, it is for the particular accused concerned to adduce the necessary evidence in support of his case. If the case is an appealable one the case may be taken up to a court of appeal and if it is one for revision, it may be taken up to the court of revision. As I have stated previously, it is difficult for the Government to enquire into all these cases.

"Then my hon. Friend also stated that no man should be convicted merely on the evidence of a Police officer. The law of evidence lays down certain principles which are binding on all courts and lawyers; and this Government cannot change the law of evidence. It is for the Judge concerned to say whether the evidence that has been adduced, either on the prosecution side or on the defence side, is sufficient for conviction. If the Magistrate concerned is satisfied that the evidence of a particular Police officer is such that it can be acted upon, he will certainly act upon it. If, on the other hand, he thinks that the evidence of that Police officer is insufficient for conviction and cannot be relied upon, it is for him to decide the case accordingly.

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" My hon. Friend, Dr. Natesa Mudaliyar, also referred to the working hours of the High Court Judges and stated that in the interest of their being able to do justice to the case before them, the number of their working hours should be reduced. I do not know whether my hon. Friend will be able to carry public opinion with him in regard to this matter. As a matter of fact, there was an agitation—I do not hear much of it now—sometime ago that the High Court Judges, who are not ordinarily sitting on Saturdays, must be made to work on Saturdays also. I understand that the Retrenchment Committee —I do not know whether my hon. Friend, Dr. Natesa Mudaliyar, is a member of that Committee (A voice: 'He is not')—has also made a proposal to this effect, namely, that the vacation of the High Court should be reduced. (Rao Bahadur T. A. Ramalingam Chettiyar: 'That is being done even in England.' This proposal of the Retrenchment Committee is being communicated to the High Court and they have been asked to give their opinion on this matter. I am afraid, therefore, that the suggestion of my hon. Friend that the working hours and the working period of the High Court Judges should be reduced will not find popular support. But I fully agree with him in his statement that our Judges are very efficient and I am very glad that such a statement has been made by my hon. Friend. I am afraid, however, that it will not be possible to reduce their working hours and, in any case, the initiative in such matters as this, should not proceed from the Executive Government but from the hon. Judges of the High Court themselves."

Dr. P. SUBBARAYAN:—" On a point of personal explanation, Mr. President, I want to assure the hon. the Law Member that I never intended that the Government should issue orders to the judiciary that they should be lenient or severe in their sentences. But what I intended was, and I am obliged to the hon. the Law Member when he said the same thing that he should look into particular cases if they are brought to his notice, and I hope people will take advantage of his hint and that they will bring to his notice those cases, because I know there are such cases. I am sure the hon. the Law Member, from the way in which he spoke, will consider those cases favourably."

Mr. M. DEVADASAN:—" In view of the assurance given by the hon. the Law Member, I beg leave to withdraw the motion."

The motion was by leave withdrawn.

Swami A. S. SAHAJANANDA in moving the motion—

'to reduce the allotment of Rs. 78,51,000 *for Administration of Justice by Rs.* 100.'

" To discuss the desirability of avoiding undue delay in the disposal of case made following speeech in Tamil:—

" கனம் தலைவர் அவர்களே! கோர்ட்டுகளில் கேஸ்கள் உடனுக்குடனே பைசல் செய்வதில்லை. சமீபத்தில் ஐகோர்ட்டில் ஒரு தீர்ப்பு கூறினார்கள். வாதியும் பிரதியும் இறந்து நாலைந்து ஆண்டுகளான பிறகு கேஸ் முடிவுபெற்றிருக்கிறது. இப்படி இருந்தால் நீதி இலாகாவில் ஜனங்களுக்கு என்ன நன்மையுண்டா

[Swami A. S. Sahajananda] [16th March 1932

கும். சிலோன், மலேயா முதலான விடங்களில் ஒரு வாரத்திற்குமேல் கேஸ்களை வைத்திருக்கமாட்டார்கள். இங்கு தலைமுறை கணக்காக நடக்கிறது. கேஸ்கள் யதார்த்தமானாலும் அயதார்த்தமானாலும் கேஸ்களைத் தள்ளிவைத்து தள்ளி வைத்து இப்படி நாலைந்து ஆண்டுகள் கழிக்கிறார்கள். பின்னர் மெதுவாக ஒவ்வொரு சாட்சிக்கும் அவகாஸங்கள் கொடுத்து ஆண்டுகள் பல கழிக்கிறார்கள். இதனால் ஜனங்களுக்கு மனஞ்சளைத்துப்போகிறது. ஆகையால் உடனுக்குடனே கேஸ்களைப் பைசல் செய்யும்படி அரசாங்கத்தார் கவனிக்கவேண்டும்.

" சில இடங்களில் பெஞ்சு கோர்ட்டுகளில் தாழ்த்தப்பட்டவர்களை நியமிக்கவில்லை. சிதம்பரம் பெஞ்சு கோர்ட்டிலும் தற்போது ஆதிதிராவிட அங்கத்தினர் இல்லை. எந்த பெஞ்சு கோர்ட்டிலும் தாழ்த்தப்பட்டவர்களுக்கு நியாயம் கிடைக்கும்படி தாழ்த்தப்பட்டவர்கள் ஒவ்வொரு கோர்ட்டிலும் இருப்பதற்கான நடவடிக்கைகள் எடுக்கவேண்டும்.

" சில இடங்களில் மாஜிஸ்ட்ரேட்டுகள் தாழ்த்தப்பட்டவர்கள்மீது அநியாயமாகத் தங்கள் அதிகாரத்தைச் செலுத்துகிறார்கள். உதாரணமாக சிதம்பரம் சப்-டிவிஷனல் மாஜிஸ்ட்ரேட் அவர்கள் நஞ்சை மகத்துவாழ்க்கை ஆதிதிராவிடர்களுக்கு என்னை உள்படச்சேர்த்து சி.பி. 144 போட்டுள்ளார். போலீஸார் ரிப்போர்ட்டும், சப்-மாஜிஸ்ட்ரேட் அறிக்கையும் ஜில்லா மாஜிஸ்ட்ரேட் உத்தரவும் அனுகூலமாயிருந்தும் ஜாதியிந்துக்கள் தாங்கள் சிவில் கோர்ட்டில் பார்த்துக்கொள்வதாகவும் ஆதிதிராவிடர்கள் சுவாமியைத் தடுப்பதில்லையென்றும் உறுதிகொடுத்திருந்தும் சிதம்பரம் சப்-டிவிஷனல் மாஜிஸ்ட்ரேட் அநியாய வழியில் எங்களைத் தடுத்தார். இவர் தமக்கென வண்டிவைத்துக்கொள்ளவில்லை. அந்நியர் கார்களிலேயே சவாரி செய்கிறார். சிதம்பரத்தில் பிரபலமான லீடிங் வக்கீல் காரை இவர் உபயோகப்படுத்துகிறார். அந்நியர் காரை உபயோகிக்கும் மாஜிஸ்ட்ரேட் எப்படி நியாயம் செய்வார்! இரண்டு தினங்களுக்கு முன்னரும் இவ்விஷயத்தைத் தெரிவித்துள்ளேன். சென்ற ஆகஸ்ட்மாதம் பெண்ணாடம் இராமசாமி பிள்ளையவர்களின் காரை இவர் சவாரி செய்ததால் ஷி கார் டிரைவர் லைசென்ஸில்லாமல் ஓட்டியதற்காக விருத்தாஜலம் சப்-இன்ஸ்பெக்டர் பிராசிகூஷன் செய்தார். உடனே சப்-டிவிஷனல் மாஜிஸ்ட்ரேட் சப்-மாஜிஸ்ட்ரேட்டை அழைத்து பிராஸிகூஷன் செய்ததை விடுதலை செய்யும்படி தெரிவித்தார்.

" 1931-ம்ஞூலத்து 13-வது காலண்டர் கேஸில் இவர் செய்தது தவறென ஜட்ஜ் ரிமார்க்கு செய்துள்ளார். கிரிமினல் குற்றவாளியொருவன் கிராம முன்சீபிடம் ஆஜராகவில்லையென சப்-மாஜிஸ்ட்ரேட் தண்டித்தார். சப்-டிவிஷனல் மாஜிஸ்ட்ரேட் விருத்தாசலம் சப்-மாஜிஸ்ட்ரேட் செய்தது தவறென ஜில்லா மாஜிஸ்ட்ரேட்டுக்கு எழுதினார். ஜில்லா மாஜிஸ்ட்ரேட் சப்-டிவிஷனல் மாஜிஸ்ட்ரேட் வார்த்தையை நம்பி குற்றவாளியை விடுதலை செய்து ஜட்ஜ்மென்டை மாற்ற ஐகோர்ட்டிற்கு எழுதினார். ஐகோர்ட்டார் சப்-மாஜிஸ்ட்ரேட் செய்தது சரி ஜில்லா மாஜிஸ்ட்ரேட் செய்தது தப்பென ரிமார்க்கு செய்தார்கள். இதற்கு சப்-டிவிஷனல் மாஜிஸ்ட்ரேட் தப்பு ரிப்போர்ட்டே காரணம். இவ்விஷயங்களை கனம் லா மெம்பர் கவனிக்கவேண்டுகிறேன்.

" சிதம்பரம் வில்லேஜ் முனிசீபுக்கு உதவியளிக்க சிதம்பரம் பஞ்சாயத்துக் கோர்ட்டு விஷயமாக இவர் எடுத்துக்கொண்ட முயற்சிகளை ரிக்கார்டு தருவித்து பார்க்கவேண்டுகிறேன். அரசாங்கத்தார் விசாரிக்கவேண்டுகிறேன்.

" நாட்டில் பலவிடங்களிலும் பஞ்சாயத்துக் கோர்ட்டுகள் ஏற்படுத்தப்பட்டுள்ளன. பஞ்சாயத்து கோர்ட்டுகள் ஏற்படுமுன் தாழ்த்தப்பட்டவர்கள் மீது ஜாதி இந்துக்கள் கேஸ் எடுக்க அஞ்சுவார்கள். கேஸ் எடுத்தால் கட்டுசாதம்கட்டிக்கொண்டு பத்து மைல் பதினைந்துமைல்கள் போகவேண்டும். அங்கு வக்கீல் பிடிக்கவேண்டும். பல நாள் அலையவேண்டும். இவற்றிற்கெல்லாம் அஞ்சி கேஸ் கொண்டுபோக மாட்டார்கள். ஆனால் பஞ்சாயத்து கோர்ட்டுகள் கிராமத்திலேயே ஏற்பட்டுவிடவே அது தாழ்த்தப்பட்டவர்களுக்குப் பெரிதும் ஆபத்தான இடமாக முடிந்தது. ஆதிதிராவிடர்கள் வேலைக்குப்போகத்தவறினால் உடனே ஏதோ தப்புக்கணக்குகள்வைத்து

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பஞ்சாயத்துக் கோர்ட்டில் போடுகிறார்கள். அங்கு வாதியோ அல்லது வாதிக்குப் பந்துக்களோ அங்கிருக்கிறார்கள். அவர்கள் உடனே ஆதிதிராவிடனுக்கு விரோதமாகத் தீர்ப்பு கூறுகிறார்கள். ஒவ்வொரு பஞ்சாயத்துக் கோர்ட்டிலும் தாழ்த்தப்பட்டவர்கள் அவசியம் இருக்கவேண்டும். பஞ்சாயத்து கோர்ட்டு ஓட்டர்களில் பெரும் பகுதியினர் ஆதிதிராவிடர்களே ஆயினும் எலக்ஷனில் வரவொட்டாமல் சூழ்ச்சி செய்கிறார்கள். சில இடங்களில் எலக்ஷன் நடத்தும் ஆபிஸர்கள் ஒரு தலைபட்சமாக நடந்து ஆதிதிராவிடர்கள் எலக்ஷனில் வரவொட்டாமல் சூழ்ச்சி செய்கிறார்கள். இவ்விஷயத்தை கனம் லா மெம்பர் அவர்கள் கவனித்து ஒவ்வொரு கோர்ட்டிலும் இத்தனைபேர் ஆதிதிராவிடர்கள் கட்டாயமாய்இருக்கும்படி செய்ய வேண்டுகிறேன்.

" காப்பீஸ்டர்கள் மாதம் ஒன்று இருபது ரூபாய்கள் வாங்குகிறார்கள். இவர்கள் காலத்திற்கும் அரசாங்கத்திற்கு உழைக்கிறார்கள். சிலாசாசனம், செப்பேடு, ஓலை ரிக்கார்டு, தெரியாத பரிபாஷைகள் முதலானவற்றைச் சிரமப்பட்டு எழுதுகிறார்கள். இவர்கள் எழுதும் ரிக்கார்டுகளை வாங்கும் அட்டெண்டர்களும், பரிசோதிக்கும் ரீடர், எக்சாமினர்களும், சூப்பிரின்டென்டென்டும் அரசாங்க ஊழியர்களாய் பென்ஷனுக்கு அருகதையுடையவர்களாக அரசாங்கத்தார் கருதும்போது அவர்களுக்குக் காரணக்காரர்களாய் பணம் சம்பாதித்துக்கொடுக்கும் காப்பீஸ்டர்களையும் அரசாங்க ஊழியர்களாகக்கருதி அவர்களுக்கும் பென்ஷன் கொடுக்கவேண்டும். இவர்கள் முப்பது வருஷம் வரைக்கும் உழைத்து தள்ளாத காலத்தில் கஷ்டப்படும்படி விடலாமா. இவர்கள் ஒவ்வொருவரும் முப்பது ஆண்டுகளுக்குள் சுமார் பதினாயிர ரூபாய்கள் செலவுபோக சம்பாதித்துக்கொடுக்கிறார்கள். அவ்வளவும் கொடுக்க வேண்டாம். அவற்றின் வட்டியையேனும் கொடுக்கவேண்டாமா ? இவர்கள் விஷயத்தில் அரசாங்கத்தார் நடப்பது அநியாயமாயிருக்கிறது. இதற்கு ஐகோர்ட்டைக் காட்டவேண்டாம். அரசாங்கத்தாரே இவர்கள் விஷயத்தில் நியாயமான உதவி செய்யவேண்டுகிறேன். "

* The hon. Diwan Bahadur Sir M. Krishnan Nayar :—" Mr. President, Sir, Swami Sahajanandham has referred to the constitution of the bench courts which, he said, do not contain many members of the Adi-Dravida community. I may tell him that members of the Adi-Dravida community are being appointed to these honorary posts. In the City of Madras, for instance, there are some Honorary Magistrates and there is even one lady member belonging to that community. With reference to the particular locality referred to by him, I shall bear the remarks of the hon. Member in mind and see whether it is possible to appoint members of the Adi-Dravida community to the Bench Court in Chidambaram. 3–30 p.m.

" My hon. Friend then referred to the Revenue Divisional Officer of Chidambaram. I understood him to say that that officer was in the habit of using the cars of particular individuals and he asked whether it was possible for such a Magistrate to do justice when the gentlemen whose cars he obtained on loan were brought before him as parties. I think that the Magistrate will take care that he does not place himself in such an embarrassing position. Of course, there is no harm in an officer occasionally using the cars of others. There is nothing wrong in that. But, he should not habitually do it.

" My hon. Friend then referred to the constitution of the Judiciary and the absence of the Members of the Adi-Dravida community in it. The appointment of munsifs is in the hands of the High Court and so

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far as the Sub-Judges are concerned, no direct recruitment to that grade is made. It is the High Court that recommends the appointment of Sub-Judges from among the ranks of District Munsifs and ordinarily the Government accept their recommendations. If we go to the higher ranks of the Judiciary, namely, the District Judges, my hon. Friend must be aware that there are on the whole 26 District Judges in our Presidency and all these are reserved under the Government of India Act and the orders of the Secretary of State to the Members of the Civil Service except eleven posts. There are specific rules as regards the appointment to these posts. The communal Government Order does not apply to them. The position stands thus. The Government have been impressing upon the High Court the necessity for recruitment to the ranks munsifs, members from the different communities and the High Court have said that consistently with efficiency they will remember this principle and appoint munsifs from different communities."

The motion was by leave withdrawn.

B. Pocker Sahib Bahadur:—" Mr. President, Sir, I move—

' *that the allotment of Rs.* 78,51,000 *for Administration of Justice be reduced by Rs.* 100.'

" The point that I raise in my cut motion relates to the representation of the Muslims in the Judiciary generally and also to the question of appointment of competent Muslims to the Madras High Court. The hon. the Law Member is fully aware of the fact that the Muslims are not only not having their due share in the Judiciary but that their representation is practically nil therein. I do not think it necessary, so far as the present Law Member is concerned, to give figures because all the figures are on his fingers' ends. Let me not be understood to say that the question of efficiency should be sacrificed for communal representation. I will be the last man to advocate that principle. At the same time, I do say that in the matter of efficiency the Muslims as a community will stand second to none and if only the Government have a will to give effect to the policy of recognizing the claims of important communities, they will not only recognize the claims of the Muslim community for these appointments without sacrificing efficiency; but will also do credit to the Muslim community as well to themselves. I do not think that the Government or anybody else will complain of lack of efficiency so far as the Muslims are concerned wherever their claims have been recognized. Ever since Sir Abdur Rahim and Mr. Tyabji left the High Court, the question of appointing a Muslim to the High Court has been agitating the minds of the Muslim public and they have been crying hoarse all along; but it has been a cry in the wilderness in spite of the fact that very sweet promises were made to us on the floor of the House, perhaps by the present Law Member and his predecessor. The game in the past has been to play one section or the supposed one section of the community against the other. I do not think that there is any real division in the

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community itself so far as this matter is concerned. But I think the previous Law Member was making out a case by creating a division amongst the Muslims by saying that one section of the Muslims wanted a local gentleman to be appointed while the other section did not want it. I may here and now assure the Government that that is not the case and that the Muslims are all entirely agreed that a competent Muslim should be appointed. Whether it be from this Province or from outside is only a secondary consideration. If the Government's case is that they did not appoint a Muslim to the High Court of Madras because all these long years, they have not been able to find a competent Muslim in the Province or outside it, I want them to make that statement definitely. The important political organizations of this community have been for the past so many years agitating this question and it is a matter for surprise that the Government have turned a deaf ear to their demand; and if rumours are to be believed, they are going to ignore the claims of Muslims. I can only say that it is not fair on the part of the Government to go on ignoring the claims of the Muslim community in this matter. The Muslims have a legitimate grievance that their rights have not been fully recognized. I have already said that I am not asking Government to sacrifice efficiency; I go further and say that the Muslims will hold their own against any other community in the matter of efficiency."

Mr. ABDUL HAMEED KHAN:—" Mr. President, Sir, with regard to this matter I have only to say a very few words as it is really a matter of regret that the Government of Madras has not chosen to give effect to the agitation that has been carried on by the Muslims of this province with regard to the way in which they have been treated in the matter of appointing Muslims to the High Court Bench. As has been pointed out ever since Sir Abdur Rahim ceased to be a Judge of the Madras High Court, or to be more accurate ever since Justice Tyabji ceased to be a Judge of the High Court, for the last twenty years there was no Muslim High Court Judge in Madras even though there were several qualified and capable members in the Muslim community. It is a well-known fact that of late the Muslims have come forward to the front. A fairly large number of them is educated and there are a number of Muslim lawyers both in the City and in the mufassal districts. Such being the case it is but fair that Government should satisfy our demand. If there are not able and competent Muslims then I can understand Government's attitude. But as it is, it is not a matter which can be easily disposed of. I know, apart from the Bar, there are Muslims in the Judiciary itself. There are Muslim District Judges who have had very long experience, and who have served at least in more than one or two districts and thus have had experience in their work. We know Government have been recruiting in certain cases the Judges of the High Court from the Subordinate Judiciary and especially from District Judges. We know of a recent case when two or more of such Judges have been appointed acting Judges of the High Court. There is the case of Mr. K. P. Lakshmana Rao and there is the case of

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Mr. Sundaram Chettiyar. These two cases are there before Government, and so Government cannot say now that they cannot appoint Judges of the High Court from among District Judges. There are at present senior Muslim District Judges and so the old plea that they would have to import Muslims from outside, as they did at the time when Sir Abdur Rahim was appointed, cannot be raised. We know as well as Government that Sir Abdur Rahim adorned the High Court Bench, and in fact he was an ornament to the High Court Bench; and so Government cannot say that Muslims cannot make good Judges, and that they cannot make an experiment. We cannot say, considering the class of Judges that we have on the High Court Bench . . . "

Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—" You are casting reflections on the Bench."

Mr. ABDUL HAMEED KHAN:—" I am sure I am not making any charge. I am only saying that the Muslim Judges who may be appointed will be on a par with the other Judges of the High Court in their efficiency. So, Sir, there are several Muslims as lawyers and there are also some Muslims as District Judges from among whom you can choose one to the Bench. We have often said on the floor of this House that there are many competent people among Muslims to fill the post and the only difficulty is Government won't look at them. Government will certainly, if only they will it, find them as good as anybody else. Of course, the rumour is in the air that there are going to be certain temporary vacancies, at any rate, for some months and that Government are likely to fill one of them by appointing a certain European member of the Bar who has, of course, short experience. The gentleman has had, I think, not sufficient experience at the Bar. I also understand that it is not the intention of the Government to appoint that gentleman. For I understand for every vacancy in the High Court Bench this gentleman's name is being proposed and every time it is being turned down. I suppose if his name comes up again now Government will not accept it, while there are so many competent men to fill the post.

" Then the other case is in regard to the question as to who is going to be the successor of the present Chief Justice of the Court of Small Causes. I understand that the present incumbent is likely to retire soon. Whether the Government will satisfy the Muslim community by merely transferring one already in service to that post or whether they intend to appoint one from among the Bar is yet to be seen. Let them understand that the Muslim community will not be satisfied if they adopt the former course. For what happens is, by doing so the number of Muslims in Government service is not increased; the number remains stagnant. What we want is that the number should be increased. I hope, Sir, the hon. Law Member who is, I am aware of the fact, very sympathetic so far as the Muslim claim in this respect is concerned will act independently, because he is in charge of the Law Department and

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he need not take any advice or suggestion from any member of my community who sits with him. I want him to act independently. I appeal to him to act independently, because then only he can satisfy the Muslim community and thus do justice in the matter."

* Mr. YAKUB HASAN:—" Mr. President, Sir, there was a time when Indian Judges were being appointed simply on account of their ability. The question of communal representation on the High Court Benches was not recognized then. It was Muslim agitation that compelled Government to recognize the strength of the Muslim demand, and though then no Mussalman was available in Madras to fill the seat of High Court Judgeship, Sir Abdur Rahim was brought down from Calcutta. And even for the period when he had to be away from Madras on the Public Services Commission, there would have been no harm if a non-Muslim had acted for a short period, still Government was so mindful of Muslim susceptibilities that they brought down Justice Tyabji from Bombay for that period. Since then Government have recognized the principle that all communities should be represented on the High Court Bench. From that time onwards non-Brahman and Christian Judges were appointed not because they were the best or the ablest men available—no doubt they were good Judges—but because they belonged to the non-Brahman or Christian community. I do not mean that these Judges were not able men but it is a fact that there were much abler men than they in the Brahman community. It is an irony of fate that when Government have recognized the necessity of giving communal representation to the different communities in the High Court Bench, the very community to please whom for the first time this principle was introduced should have remained without one of its Members being there for more than a decade. Sir, what does it show? Does it show that Government have changed their attitude towards the Mussalmans ? Do they want the Mussalmans to understand that they cannot claim that privilege henceforth even though they may have a poor representation in the services. I hope Government will give their attention to our demand. The whole Muslim community has been agitating on this matter year after year on the floor of this House as well as outside it. Promises were made from time to time that the matter will be considered and yet that question remains unsolved and the Muslim demand remains unfulfilled. Sir, the sincerity of Government is now on its trial. The community's verdict on it depends on the way in which this claim is disposed of by the Government. On this question depends their future attitude towards Government. For a long time the Muslims have been representing that the number of Mussalmans in all branches of Government service is very poor, and they wanted to improve their position in this respect. Now if we are not able to do that let us at least have the satisfaction to retain what we had at one time acquired with respect to the High Court Judgeship. It is an important post and it ranks with the Executive Councillorship. The Government have been putting off this matter too long and the patience of the community is well-nigh exhausted. I hope our demand at least this time will not go unheeded."

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4 p.m. * Khan Bahadur P. Khalif-ul-lah Sahib Bahadur:—" Mr. President, Sir, my hon. Friends who have spoken previously have detailed at fairly good length the necessity for the appointment of a proper Muslim to the High Court Bench. I was responsible for a cut motion similar to the one which is being discussed now some years ago and it is my duty now to bring back to the memory of the hon. the Law Member the very fair promises that were made not only to the Muslim Members of this hon. House but also to others by the then Law Member. We were told that the matter was under the serious consideration of the Government and that as a matter of fact communications were already started for the finding out of a proper man for the post. It is now half a dozen years since these words were spoken and still I am at a loss to see why the Government have not been able to find a proper man throughout the whole of India. As for the qualification and capacity of a Muslim to fill up the place in the Bench of the highest tribunal in the land I need only mention the names of Sir Abdur Rahim, Mr. Badruddin Tyabji and Justice Mamood. And I will ask the hon. the Law Member to deny whether these are not even to-day the leading lights in law for the whole of India. When our community has produced such brilliant men it is certainly not possible for Government to expect us to swallow the plain apology that there are not proper men to be found from among the community. My hon. Friend, Mr. Hameed Khan, has already pointed out that an excuse was sought for by Government in pointing out that there was a difference of opinion among the Muslims whether to appoint a local Muslim or to bring an outsider into this province. Assurances were given on behalf of all the Muslim Members here that there was no such difference of opinion, that it does not matter at all to the Muslim community of this province whether the Muslim to be appointed to the High Court belonged to this province or brought from outside. And in spite of this assertion made on the floor of this House nothing has been done though as my hon. Friend has pointed out, it is more than a decade since there was a Muslim in the High Court of Madras. As Mr. Yakub Hasan has pointed out, that the Muslim community deserved special representation in the High Court of Madras was in the minds of Government long before the communal agitation was started and long before the reforms. If I may say so after the new reforms the Muhammadan is nowhere. That is the only net result which the Muslim community has got now under the new reforms when responsible Government has been granted. I am aware that the department of Law and Justice is still reserved and yet all the weight and the influence that can be exerted by the transferred half is there. The net result of that is seen in the absolute absence of a Muslim in the High Court Bench for the last ten years and more. One other matter in this connexion that I would like to draw attention to is that the question of the appointment of a Muslim was thought of in this province at a time when there were not many Muslim lawyers and Muslim Judges in this province itself. Now as has already been pointed out there are quite a large number of Muslim lawyers and Muslim officers who are quite capable of filling the post of the High Court Judge with credit. In these days if Government still

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further delay the appointment of a High Court Judge it can only be said that Government do not wish to do justice to the Muslim community.

"In this connexion I would also refer to the paucity of representation of the Muslim community in the other Judicial services in the Presidency. Of course lack of qualified men was the plea that was made years ago. But that plea cannot avail the Government in these days. Certainly there are any number of qualified men from whom Government can pick and choose the best for recruitment to the Judiciary. Again I would ask the hon. the Law Member whether they have tried any Muslims in the Judiciary and found wanting. Is there any one instance, Sir, where the Muslim has failed to prove himself a capable Judge. Among other communities there have been instances of want of capacity. Has there been one I ask against whom it can be said that he was found wanting? When such is the case it is certainly very cruel on the part of the Government not to pay any heed to the longstanding cry of a great community in an important matter like this. I hope and trust that Government at least now when the new reforms have already become old and still more new reforms are to come, at least now, will wake up to the situation and do bare justice to a community which has got a real stake in the country and which has got a great historic past."

* Khan Bahadur Mahmud Schamnad Sahib Bahadur:—"I am not going to inflict anything like a speech. I only want to elicit some information and also place before the Government some facts for their consideration. I understood the hon. the Law Member to say that the appointments of munsifs are made by the High Court. I want to know whether any consideration is given to the question of communal representation in making these appointments. I also want to know why this recruitment has not been given to the Madras Services Commission as in the case of other departments. If you think the efficiency of the service will be interfered with by transferring this power to the Commission I want to know whether by recruitment to other services by the Services Commission the efficiency of the other services has been interfered with. Communal Government Order is not made applicable to this department, I wish to know why it is not made applicable. Is it again the bogey of efficiency that prevents you from doing so? I don't know how communal rotation will affect their efficiency. For when they select a man for any office in the Police department or any other executive department don't they take the best among the men available among a particular community? Efficiency has not in any way been interfered with by such selections. If that could be allowed in other departments why should not the lawyers be recruited on a communal basis for the Judicial department also? The other thing I want to know is whether this communal principle is applied at least in the recruitment of the staff and clerks in the several district courts and munsifs' courts and other judicial courts and if not whether Government propose to do so in the future. There was a practice of recruiting

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sub-judges and judges directly from the bar. For the last few years I have not heard of any such thing. I wish to know if the Government will continue this healthy principle as it will help the minority communities also to come in if direct recruitment is made. So I request the Government if they have suspended that practice at least to revive and continue that healthy practice of directly recruiting judges and sub-judges."

* S. M. K. BEYABANI SAHIB Bahadur:—" Mr. President, Sir, I shall be very brief in my remarks. I rise to give my fullest support to the cut motion, moved by my Friend Mr. B. Pocker. While I certainly agree with him that in the matter of selection of High Court Judges, efficiency ought to be the guiding factor, I do maintain that it will not be difficult for the Government to find proper Mussalman gentlemen even within this Province for appointment as High Court Judges. There are as district judges many eminent Muslims who will satisfy any test of Government. I would therefore appeal to Government to appoint a Muslim as a High Court Judge. Let me also state to the hon. the Law Member that if he appoints a Muslim as a High Court Judge he will also be practically solving the question of Hindu-Muslim unity. Muslims will never forget that it is the Hindu Law Member that has helped in the appointment of a Muslim High Court Judge. Such a thing would be to the undying glory of the hon. the Law Member."

* Rao Bahadur A. T. PANNIRSELVAM:—" Mr. President, Sir, if I intervene in this debate at all it is merely to avoid a misunderstanding. When one minority community is urging its claims with so much vehemence silence on the part of the representatives of the other minorities is apt to be considered that they have no grievances to be redressed or that they have no representations to make. I would submit that not merely in the judiciary but in other services as well it is a proper thing to recruit people from all communities fairly and in due proportion. Of course as stated by my Muslim Friends, regard should be had for efficiency. But at the same time I may state that efficiency is being made a bogey of; it is being overdone. Now for the Judicial service I believe that any one with a fairly decent grounding in law provided he has character will prove a very much more efficient and satisfactory judge than one with merely academical qualifications, the highest though they may be. What is the principle on which the appointments of district munsifs are being made by the High Court. They of course require the minimum necessary qualification of a B.L., and also of a minimum period of practice. These are qualifications which every applicant for the job possesses. What is the discriminating factor
4-15 which induces these judges to prefer some men and reject the rest.
p.m. I have known several people who have been recruited to the Judicial service and I might confess that several of these people who are being selected cannot be said to be in any way superior to those whose applications have been rejected. I remember particularly one case which was referred to in a correspondence between the High Court and the Government several years ago, wherein the High Court Judge said that a particular candidate had been selected though with inferior qualifications,

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as he belonged to a backward (Kalla) community, in spite of another with superior qualifications had only recently before been selected from the same district. I knew the qualifications of both and I know also that there was some difference between the two, but what was that difference and whether that difference would really affect the efficiency of the bench I leave it to the House to judge. Both were B.A., B.Ls. Both had undergone the apprentice course and both had passed the apprentice examination and both had put in several years of practice at the bar. One gentleman supposed to be of superior qualifications had paid Rs. 500 and got himself enrolled as a High Court Vakil while the other gentleman was more prudent and had kept the money in his pocket. That was the difference. Therefore, I submit that this question of efficiency is really being overdone. Among members of the bar who have got the necessary educational qualifications and the necessary training at the bar, if you select any one with character, I am sure he will prove a very efficient judge, at least as efficient as most of the district munsifs and sub-judges we now have, and the amount of work that they turn out, both in quality and quantity, will not by any means suffer if the principle of communal representation be observed also in the judiciary.

"I wish to say just one word about what I said during the general discussion on the Budget, because I fear that I have been somewhat misunderstood. That was about the munsif in my place coming to the court a bit late. I never meant to make a complaint of it at all. Not merely the Law Member has misunderstood me as appeared from his reply, but also outside the House, with the result that the munsifs now come to court at 11 o'clock and go away at 12-30, with the result that the members of the bar are somewhat inconvenienced. I am now in a position to state that these are not the only courts in my district suffering from want of work. There are a few more district munsifs' courts and a few more sub-courts also which have not much work and I am also told that one of the district courts is not suffering from a plethora of work. I know the difficulties of the hon. Law Member in dealing with a matter like this. Owing to financial depression there is bound to be a diminution in litigation and consequently want of work, and it might be that with the return of financial prosperity, there may be a larger amount of work than is now available. But at the same time, I think it is worthy of the consideration of the Law Member as to whether we are not really wasting a lot of money in keeping up these various munsifs' courts and sub-courts and district courts, and whether it would not be possible to reduce them and whether we could not also expect to continue that reduction for a considerable number of years to come. It might be that, say in 15 years, we may have to increase the courts with the future increase of work. But meantime why not try some reduction. We must also take note of this fact that the moment he proposes the abolition of a court anywhere, there is an inevitable deputation of lawyers to bombard him; but may I not state that it is not always that members of the bar are actuated by philanthropic motives in making these representations? It is after all with them a question of making a living, and lawyers like other men

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would like to see things so adjusted as to suit their convenience. I know that even a little transference of work from one court to another sets up a flutter in the bar associations, a meeting is called and a deputation is resolved upon and the poor Law Member or other officer concerned is invaded. As an instance when the abolition of Tiruvarur Sub-Court was suggested, a deputation from Tiruvarur started for Madras, followed almost immediately by a similar deputation from Negapatam. Both of them meet and sit on either side of the Law Member, with the result that the two sub-courts—for both of which there was admittedly not sufficient work—go on flourishing. Matters of this sort are well worth the scrutiny and consideration of the hon. the Law Member."

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" Sir, I shall reply to the few observations which my Friend Mr. Pannirselvam made with reference to the necessity of retaining all the courts now existing in the Tanjore district first. My Friend was quite right when he said that I was bombarded by deputations from the advocates in different courts in this district when there were proposals for abolition of one or other of the courts. I received all the deputations—I believe politely—and listened to their representations, but I did not take action on the representations of these deputations alone. As I said on a former occasion here, the High Court is the constitutional adviser of the Government in matters like this, and representations and memorials which these different law associations presented to me were forwarded by me to the High Court for favour of their comments. And the High Court considered these things very carefully and forwarded their final proposals to the Government; and it was these proposals that I accepted. In this connexion I may say, Sir, that it is only my Friend Mr. Pannirselvam that has been pleading in this House, or for the matter of that outside it, for the abolition of courts. The cry that I have been hearing from all parts of the Presidency is just the other way. I notice among the cut motions given to-day, one given by my Friend Mr. Khalifullah which is a plea against the abolition of courts. (Hear, hear.) But the Government always decide these questions, in favour of retention or abolition of the courts, only after consulting the High Court. To-day, again my Friend Mr. Satyanarayana Choudari from Guntur was pleading against the abolition of certain courts.

" Then, coming to the motion which was moved by my friend Mr. Pocker, with reference to the representation of the Muhammadan community on the High Court Bench, in particular, and in the other branches of the Judiciary in general, I sympathise with the natural aspirations and ambitions of my Muslim friends in this Council. (Mr. Basheer Ahmed Sayeed: 'Legitimate also.') If I may remind my friends who are in this Council now and who were in the Council before of what I said when I was a non-official Member, I may say that I was one of those that supported this recommendation when a resolution was moved in this House. Further I can say this to my Muslim friends in this Council that the Government will consider the requests

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and representations that have been made. My Friends also, I believe, will remember this, namely, that the power of making appointments on the High Court Bench rests not with the Local Government, not even with the Government of India, but with the Secretary of State.

" Then, with reference to the representations of the Members of the Muslim community regarding other branches of the Judicial department, my Friends will remember that in the Madras City the Chief Presidency Magistrate is a Muslim, that the Chief Judge of the Small Causes Court is a Muslim. Then going to the other ranks, there are, as I said before in connexion with another motion, only 11 listed posts in the District Judge's ranks open to gentlemen who are not Members of the Indian Civil Service. And of this, the Secretary of State has allotted six to the Provincial Civil Service and five to the Members of the bar; and of these five, two are Members of the Muslim community. I refer to this fact only for the purpose of showing that the claims of the Muslim community are not forgotten. Then going lower down, as I said, the appointment of munsifs is under the Madras Civil Courts Act of 1873, vested in the High Court. I may however tell my Friends that from time to time the Government have been communicating to the High Court the discussions in this Council and telling the Hon'ble Judges that communal justice should as far as possible be done; and the High Court has said that they will certainly remember these communal considerations—consistently with efficiency—in making these appointments. So far as the ranks of Sub-Judges are concerned, there is no direct recruitment. As I said a few minutes ago in connexion with another motion, the High Court makes recommendations for the appointment of Sub-Judges from among the ranks of District Munsifs and the Government generally accept those recommendations. I hope the hon. Member will withdraw his motion."

Mr. Yakub Hasan :—" May I request the hon. the Law Member to forward our representation about the High Court to the Secretary of State, so that in the next appointment the Secretary of State may be influenced by our representation?"

The hon. Diwan Bahadur Sir M. Krishnan Nayar :—" I shall consider the suggestion."

* Mr. Basheer Ahmed Sayeed :—" May I know whether the hon. the Law Member is satisfied that the Muslim Community has adequate representation by the High Court appointing only two out of 30 munsifs from that community? Then, besides that, may I ask whether it is not the Governor in Council that recommends names for the appointment of High Court Judges whenever vacancies occur? Of course the hon. Law Member is right in saying that the appointment is finally made by the Secretary of State, but does the Governor in Council not play any part in filling up the vacancies? If that is so, may I ask the hon. Law Member to influence the Governor in Council to send in names of suitable Muslims for the next vacancies that are sure to arise in the near future?"

* The hon. Diwan Bahadur Sir M. Krishnan Nayar :—" I have stated already that all the representations made in this House will be remembered." 4-30

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B. POCKER SAHIB Bahadur:—" I withdraw the motion."

The motion was by leave withdrawn.

Demand XII for a sum not exceeding Rs. 78,51,000 was put and carried and the Grant was made.

DEMAND XIII—JAILS—RESERVED

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" On the recommendation of His Excellency the Governor, I move—

' *that the Government be granted a sum not exceeding Rs.* 21,46,500 *under Demand No. XIII—Jails—Reserved* '."

Mr. ABDUL HAMEED KHAN:—" I beg to move—

' *that the allotment of Rs.* 21,46,500 *under Demand No. XIII be reduced by Rs.* 100.'

" Sir, the object of this cut motion is to discuss the reformation of jails.

" Sir, year after year, hon. Members of this House have brought to the notice of Government that there is a great necessity to revise the Jail Manual in order to liberalize the way in which the jails are administered in our Province. I say at the outset that the Government have not paid any heed to the demands made by non-official Members of this House with regard to this very vital subject under their administration. I recollect that last year, when the Budget discussion was going on, when we were considering the question of the demand under jails and when the hon. the Law Member was asked to appoint a non-official committee, he promised that he would appoint a committee of non-officials to go into the question of revising the rules with regard to the administration of jails. I am not aware of the reasons for the hon. Member not fulfilling that promise he made on the floor of this House. Year after year the demand for the reform of jail rules is becoming greater and greater, whereas the administration of jails is becoming worse and worse. We find that the need for the reformation of jail rules is becoming greater and greater, especially when we look at the way in which the political prisoners are being treated. We know that not only in the Penitentiary there is a need for a good deal of reforms but there is also a need for reform in the Vellore jail where lady prisoners are put to a good deal of inconvenience not only with regard to the time at which food is given to them during the course of the day but also with regard to the way in which certain necessaries of every day life for women generally are not given to them. So far as the time when the food is given to lady prisoners is concerned in the Vellore jail, I have a complaint to make. The morning meal is given to them at about 12 or 12-30 and they are expected to be ready for the second meal or evening meal as it is called at about 3 or 3-30 p.m. I wonder how it would be possible for a person to take two meals within so short a time as two hours. I do not know with what purpose this is being done. and whether there is any policy underlying this method. Again, Sir, they are denied the supply of coconut oil for oiling their hair. I do not know if the hon. the Law Member knows about this. I believe it has been brought to his notice once or twice this year and I do not

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know if he has already got the information from the Vellore jail. I heard very many people complaining about this. The other difficulty which these ladies experience there is this: that most of them who are in B class and A class are accustomed to take raw rice, whereas the rice that is supplied to them is boiled rice and it is very difficult for them to take it. I know the hon. the Law Member will come forward and say what he could do for this inasmuch as it is the Presiding Magistrate that sentences these prisoners that ought to prescribe the class and the kind of diet which each prisoner ought to get under the jail rules. Even in such cases where any mention is not made by the Presiding Magistrate who passes the sentence, I do not know what prevents the Jail Superintendent from acceeding to the request of the prisoners with regard to the kind of rice that should be supplied to them. After all, raw rice is not much more costly and it can be purchased practically at the same price as boiled rice. If the hon. the Law Member enquires into the matter, he will find that the lady prisoners in Vellore jail are undergoing very great hardships with regard to this matter.

"Then, Sir, they are not allowed to remain outside their cell for sufficiently long time. They are sent to their cells very much earlier than the prescribed hours under the Jail Manual.

"Then with regard to under-trial prisoners, I find that recently all of them have been put in the C class. It is the Magistrate that prescribes the class into which each prisoner should be put, but if he does not do so, I believe all of them are put into C class and they are put to great hardship. I do not know whether it is the policy of the Government to put, especially these civil resisters, into C class in order that they might apologise, on account of the unbearable sufferings which they undergo. I have no doubt whatsoever that a very large number of prisoners who have apologised and come out from the jails are from among those who have been put into C class and have been treated in a very cruel manner.

"With regard to the question of diet, I wish once again to point out that there ought not to be any discrimination made between one race and another race and one class of prisoners and another class. I do not know why even to this day the Jail Manual should contain rules with regard to the discriminatory treatment meted out to prisoners belonging to different races and classes. I ask why a European prisoner should get a different treatment even in jails from the treatment that is meted out to an Indian prisoner. Of course there was a time when the governing race was regarded as superior by even the Indian Civil Service. Unfortunately this is certainly not the time when one community or race considers itself as superior to another and members of the European community too would not like such a differential treatment. They will certainly not be a party to such a differential treatment. I therefore urge that it is high time that changes are introduced with regard to the way in which the jails are administered in this Province.

"Sir, I believe that the single cells that are given to C class prisoners are very, very small. I am told they are given a small tin

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vessel in which water is given to them. The night within the prison is not the same duration of time as it is outside, because the day-time to them is very small and the night very long inasmuch as the night-time begins very early in the evening and ends in the morning sometimes at 7 or 7-30 a.m. Therefore the night-time is very long and the quantity of water that is given to them to be used during that period is very very insufficient to them. The worst part of it is that the water that is given to them is required to be used both for drinking and other purposes during these long hours. Is this really a civilized method of treating the prisoners?

"Then, the place in which they live is not at all clean. It is a small place and there are a lot of bugs and mosquitoes there. It is no wonder that some of the young men who go to jails and are put into C class, when they come out, return with some sort of illness to which they succumb.

"These are some of the hardships to which the prisoners, especially the political prisoners, are put to in jails.

"Then, Sir, there is another matter which I want to touch upon. In this Province there is a system under which certain persons appointed by the Government to visit these jails now and again. I am afraid that this system has not been working satisfactorily. The hon. the Law Member in making a selection of visitors to jails would do well if he would kindly select these people from among those who have had experience of jail life, so that they might be in a position to know exactly whether there is any need for change in the Jail Rules. They will certainly know what is the reformation that has to be brought in in the administration of jails. What is the use of having a list of visitors consisting of gentlemen who have had absolutely no experience of hardship or difficulty felt in jails, or of gentlemen in very affluent circumstances who do not know what proverty is. I am sure it will be very difficult for the latter class of people to realize what exactly the trouble or hardship that is experienced by those people who are in jails. I do hope therefore that the hon. the Law Member will favourably consider this suggestion, viz., of having for every jail at least a small number of honourable and worthy gentlemen who have worked hard for the country and who have had experience of jail life. There are very many people, especially after the National Movement, people belonging to very high class, and it will not be difficult for the hon. the Law Member to find such gentlemen coming forward to become visitors of jails.

4-45 p.m. "It is only then the real purpose of jail visitors will be served. Recently there was a conference of Jail Visitors both gentlemen and ladies, where they passed certain resolutions recommending certain changes in the Jail Manual. The resolutions were forwarded to the hon. the Law Member and I am sure he will pay his best attention to the subject and make the necessary reforms."

* Capt. W. E. Winter:—"Mr. President, as this is the first time I address the House, I crave the usual indulgence on the part of hon. Members to one who is in a most unenvious position.

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" The subject which I wish to bring into evidence is the effect of the increasing extension of the jail manufactures in direct competition with public enterprise. Now, Sir, as an example of the cost of the machinery which has been established in these central prisons, let me take the Coimbatore Jail. I understand that no less than Rs. 6,00,000 have been spent on putting up machinery and buildings in that jail. Rs. 6,00,000 is no small sum and six lakhs spent on a mere paltry 150 looms and 3,500 spindles is not in my opinion, to be allowed to pass unnoticed. The fact is that in our Mill at Coimbatore we have 72,000 spindles and 500 looms and the capital for that Mill is Rs. 12,00,000. You will see the difference in expenditure on looms and spindles and buildings in the Coimbatore Jail. The excessive cost of the machinery is very apparent. In going through the report of the Inspector-General of Prisons for 1929 I find that he speaks of further batches of spindles to be placed in other jails for the purpose of spinning wollen twists. These wollen twists are to be woven into blankets. I find that there are no less than six manufactured articles which are in direct competition with those of private traders and industrialists. For instance we have the manufacture of cotton goods; we have cumblis; we find they are also indulging in boot-making. They are also making locks. They also make various cotton and wollen twists. We find now they are putting up a carpentry factory. So they go on *ad libitum* indulging in a vast expansion of machinery which distinctly and directly come into competition with public enterprise. The hon. Member will bear with me when I say this: in answer to a question the other morning he denied that the jails were allowing public notices and selling goods to the public. May I, Sir, with due respect to the hon. Member, suggest that that was not quite accurate? For instance, if I go to Ootacamund I can go to a certain shop and ask for a price list of jail-made goods and I can buy them. I can go to the jail or send my servant or coolie or man or woman or boy or girl to the jail and I can buy anything made in the jail. Yet we are told in this House that there is no competition with outsiders. We are also informed that there is no competition with private enterprise. May I just draw your attention to a passage in the Inspector-General's Report for 1930, where he states clearly that his 'goods have improved in every way and that he expects large orders from *outsiders* and from *overseas?*' I presume, if the jails are to receive orders from outsiders, and from overseas, there must have been some agency going in for regular propaganda with the intention of securing orders for the jail manufactures. I admit in the beginning we, industrialists, were rather lenient towards our friends as we thought perhaps it was a small mustard seed. But unfortunately the mustard seed is becoming the proverbial tree and this tree is spreading out its branches; it is enveloping a great many of the small traders and industrialists around the countryside. You say, where? Let us go now to Tiruppur. There were several small carpet manufacturers. I say these carpet manufacturers have not been able to continue their avocations—surely a very commendable one—because the Government have allowed carpet to be made in jails and supplied to the departments. If the Government is such a benign Government as it supposes

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itself to be and is careful of the interests of the people, of the interests of the poor labourer and the poor small man, I ask, why does Government with its ample means come in direct competition with the small men and crush them? I ask, Sir, why a system, which has at its command ample powers and ample means should not render aid to the outsider, should not give these means to the multitude of small men so that these small manufacturers who have to earn their living should be enabled to progress in their business? And then taxes would be paid and industries would flourish and the small man would be able to have his own factory. I am sure there would be enough manufacturers to supply the Government with all these various articles if Government would only help the small man. I ask what it means, when we read in this pamphlet 'Regulation of Jail Labour and Jail Manufactures in British India,' I believe it is a Government of India Order of 1886 and again 1912."

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—"1886!"

Capt. W. E. Winter:—"And 1912, Sir. It says here that the Executive Government consider that 'jail factories should not be converted into *steam* factories.' I ask then, why is there a steam factory at the Central Jail, Coimbatore? Why is there a special mechanic and engine driver employed to look after the steam engines? I further read here, 'The use of steam machinery in jails will not in future be absolutely prohibited.' We admit that. But it goes on to say, 'but care should be taken that limits are set to its employment in individual places or where there is strong reason to believe that it enables jails to compete injuriously with private capitalists in the neighbourhood.' I am informed that this policy has not been altered. Now, Sir, the facts I have mentioned and the illustration I have given of the Coimbatore jail show that there is in certain of these jails a steam factory. Here we have a statement made that these jails 'should not enter into competition with industrialists in the neighbourhood to their detriment.' I say, Sir, that these various machinery erected in jails are turning out goods in direct contravention of the statement made here. Let me as an illustration again refer to the making of khaki cloth in the Coimbatore Jail. There has been set up a khaki dyeing machine at a cost of Rs. 1,10,000. This khaki cloth is sent to the various Government departments, I admit. I understand that firms in this city have in the past complained to the Government of this interference in their trade and have asked that this interference should not continue. I ask further: is it their policy to continue to spend increasingly in the direction of putting up further machines, further buildings and so on? Let us turn to the turnover. I read in the report here written by the Inspector-General of Prisons that the turnover of manufactures during the year was Rs. 12,00,000. If this had been distributed among the number of small manufacturers, and if their needs had been taken into account—if the Rs. 12,00,000 had been spent outside—look what benefit it would have been to the poor man, to the small man and to the industrialist. I put the mill owners also in this class."

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* Rao Bahadur Sir A. P. PATRO :—" May I interrupt the hon. Gentleman? May I ask whether the price of jail manufactures is the same or a bit higher than the price of private industrialists? "

Capt. W. E. WINTER :—" In answer to Sir Patro, I may say they are mainly cheaper than the goods of our mills. Therefore it is competition.

" Let me continue, Sir. If the jails are to continue making these manufactures, where shall we end? The money locked up is excessive and what is the return the Government is getting from this expenditure. I have now proved competition and let me go to the other matter, the return the Government is getting from the sums invested in this direction. I understand the loss on the working of the weaving department—I think I am right here—the loss last year on the weaving department was Rs. 44,000. This is an instance of Government enterprise, Government commercial undertakings. May I take another illustration—the Cinchona plantations in the Anamalais? I was up there the other day; Mr. Venkataramana Ayyangar was there also some time ago. He called it a white elephant. I should call it a whited sepulchre. An elephant has some life whereas a whited sepulchre has no life in it. It is dead and full of dead wood. The money spent on the estate is expenssive! What is the return the Government gets on its Quinine Factory? A mere half per cent on the Rs. 24,00,000 invested on quinine making. Of course the hon. Member will say: we are trying to alleviate the suffering of the poor, we are trying to check the spread of malaria and so on. I ask the question, Sir, —perhaps I am not on right lines, but I ask your indulgence—why not spend this money on anti-malarial measures and see that the conditions which cause the mosquito are cleared off? Then the money will be spent in a much better way and it will be more to the point.

" Coming back to the question of labour, our friends say to us: if we are to stop all these things what are we to do with the labour, with the convict labour? I turn them to the proceedings of the Legislative Council of 1929—I have not got the exact reference here—in which there is a statement that labour was not plentiful on the cinchona plantation and therefore they had to do some of the planting in the dry season. I ask: why cannot these convict labourers be used on the Anamalais in their cinchona plantations? They can work as labourers under control. I ask why not? In this very paper here which I hold in my hand there is raised the question of giving convicts 'outdoor fresh air.' I recommend to the hon. Member that he will be pleased to consider this question of employing this labour in the estates on the Anamalais or Ootacamund which he has under his control. Then you say: what about other labour? I noticed already that you have obtained Rs. 40,000 from garden produce. That is a very nice compliment to Major Upshon, the chief gardener.

" We have now a chief gardener in a most creditable position; he 5 p.m. is bringing in distinct revenue to the Government, but how is this used? Look at the price of labour utilized in the manufactures! Two and a half annas is, I believe, the price of food that a convict gets.

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In view of the fact the values of food commodities have fallen down, I understand that the cost of food supplied to a convict is about one and a half annas. Add to that, the credit the Government gets—Rs. 40,000. It must cost them nothing. Forced labour is working in these machines and others cannot turn out these articles in a more efficient way and in so cheap a manner. I come to the point of asking the hon. Member if he would curtail any further expenditure in this direction, even though he cannot do away with the manufacture in jails. Now the subject is opened up in this House, and if no notice be taken, we shall have to bring this matter to the notice of the public and again of the Government.

"These jails have no impediments in many ways; they have no Factories Act applied to them; some of our friends in this House are very keen on the Factories' Act being applied to all factories. But there is no Factories Act for the jail people. No Workmen's Compensation Act for the jails. You find that all the commercial undertakings of the Government are free from the bondage into which they put the outside industrialist and the small trader. I ask, 'is that fair?' I ask, 'is that righteous?' I fear it is not. I fear we have reached the stage when we should raise our voice in protest.

"I am giving an illustration. I presume most of our friends here are familiar with the story of the camel and the tent-owner. The tent was occupied by a man who owned a camel and the camel came to the tent and put its head in and the man in the tent patted it; next time the camel came and put its neck and he patted it; very shortly he found to his amazement that it intruded the whole of its body. Thus, he was ejected by the camel. I admit that the Government have not yet ejected the industrialists, by having complete State control over all industries. But, I feel that we, industrialists, would be very foolish if we patted the Government any longer! The Government were allowed to carry on manufacturing small articles in their jails for the time being; we were not afraid of that. But instead of arresting it, their expansion is so great that instead of being small industrialists in the jails, we find they are introducing their whole body. If the hon. the Law Member will take up the question and go into it, we shall be extremely thankful. With these few remarks, I request the hon. the Law Member to allow a Committee to be formed to investigate matters and to see whether there cannot be any cessation or at least curtailment of their commercial undertakings and that fresh fields are opened for fresh labour which will not be in direct competition with small traders or industrial concerns."

* The hon. the PRESIDENT:—"The House will now adjourn and meet again at 11 a.m. to-morrow."

R. V. KRISHNA AYYAR,
Secretary to the Legislative Council.

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